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CHARLOTTE E. WHITTON

Secretary of the Canadian Welfare Council

"We speak the same language"

(See p. 336)

The
SOCIAL SERVICE REVIEW

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AN APPRAISAL OF THE FEDERAL-STATE SYSTEM OF UNEMPLOYMENT COMPENSATION: THE NEED FOR A FEDERAL PLAN

WILLIAM HABER AND J. J. JOSEPH

THE federal-state system of unemployment compensation completed its fifth year of operation and its third year of benefit payments on January 1, 1941. The length of time during which benefits have been paid to unemployed workers varies from less than 2 years in Illinois and Montana to more than 4 years in Wisconsin.[1] This is due to the fact that the states[2] passed their laws at different times and the Social Security Act required 2 full years of contributions before benefits could be paid. Taken as a whole, however, the period is sufficiently long to provide a basis for some evaluation of unemployment compensation, as well as

[1] The Wisconsin system was in operation prior to the passage of the Social Security Act. As of March 31, 1941, the distribution of state plans by length of the benefit-payment experience was as follows:

No. of State Plans	Length of Benefit Experience		No. of State Plans	Length of Benefit Experience	
	Years	Months		Years	Months
1	4	9	1	2	7
22	3	3	2	2	4
2	2	11	18	2	3
3	2	9	2	1	9

[2] In the terminology of unemployment compensation the District of Columbia, Alaska, and Hawaii jurisdictions are included as "states," thus making a total of 51.

some proposals for improvement. This is the purpose of the present article.

ACCOMPLISHMENTS OF UNEMPLOYMENT COMPENSATION

Unemployment compensation has made some very distinct contributions to our method of providing for the unemployed. Legislation has been enacted in 48 states, the District of Columbia, Alaska, and Hawaii. The tax-offset device, therefore, in spite of its distinct disadvantages, has been successful in overcoming the obstacles to independent state action. As a result cash benefits have been paid to several million unemployed workers in the last 3 years. Such payments have undoubtedly alleviated the hardships of unemployment for at least a small portion (possibly 15 per cent) of those who were involuntarily unemployed during 1938, 1939, and 1940. In these years more than $1\frac{1}{3}$ billion was actually paid out to individuals who were either totally or partially unemployed. The number of individuals who were receiving benefits in any one month varied from about 500,000 (in October, 1939) to more than $1\frac{1}{4}$ million (in June, 1940). Many of these workers have, of course, had more than one spell of unemployment and hence have received unemployment benefits during different periods. About 150 million unemployment benefit checks were issued during these 3 years. The average weekly benefit for total unemployment was approximately $10.00; for partial unemployment about $5.00. The average yearly payment for individuals receiving benefits was about $100.00. Meanwhile, wage credits, upon which benefits are computed, have been recorded for approximately 28 million workers, employed by about 800,000 employers (see Table 1).

By the end of 1940, more than $3 billion had been paid into the unemployment trust fund, leaving a net balance of nearly $2 billion —an amount equivalent to more than 4 years of payments at the present benefit levels. It is estimated that by January, 1942, these reserves will increase to about $2\frac{1}{2}$ billion.

Simultaneous with the operation of these contribution and benefit payment provisions, the employment service was expanded and spread out to include the smaller states and rural areas. There are now approximately 1,600 employment offices located in every major

community in the country, and an additional 3,000 itinerant points which are served at regular intervals. In the last 3 years the public employment service handled about 45 million applications (new and renewed), placing almost 8 million persons in private employ-

TABLE 1

SUMMARY OF MAJOR EMPLOYMENT SECURITY ACTIVITIES, 1938–40

Major Employment Security Activities	1938	1939	1940
Number of subject employers (June)	668,166	719,600	814,800
Number of covered workers (estimate)	27,602,000	27,980,000	28,000,000
Net amount of collections	$778,392,000	$824,879,000	$853,824,000
Number of initial claims	9,565,271	9,764,758	11,140,012
Number of continued claims	45,796,606	56,533,762	67,001,971
Number of benefit payments	38,075,709	41,554,089	51,080,113*
Number of benefit payments (for total unemployment)	33,212,040	37,248,599	46,166,965*
Number of benefit payments (for partial unemployment)†	2,566,203	3,207,177	4,800,507*
Amount of benefit payments‡	$396,400,428	$429,820,056	$519,945,914
Amount of benefit payments (for total unemployment)	$363,330,675	$401,478,677	$487,754,822
Amount of benefit payments (for partial unemployment)†	$14,000,460	$20,971,097	$30,876,998
Funds available for benefits (December 31)	$1,110,626,000	$1,537,797,000	$1,817,100,000
Applications for employment (new and renewed)	14,597,798	15,094,851	16,517,702
Total Placements	2,701,178	3,476,889	3,782,984
Private Placements	1,885,409	2,676,300	3,225,911
Public Placements	815,769	800,589	557,073
Active File (December 31)	7,215,973	5,746,146	4,759,836
Grants to states for administration (fiscal year; Title III only)	$42,255,900	$58,758,359	$58,333,503

* Weeks compensated.

† Includes part-total benefits.

‡ In 1936 and 1937 Wisconsin paid out $2,146,817 in benefits.

ment and some 2 million workers in public employment. Special services have been expanded to take care of veterans, farm workers, the handicapped, and other groups. A large part of the growth of the employment service is attributable to its amalgamation with the unemployment compensation system. It is not insignificant that we have come to designate the joint functions of employment service and unemployment compensation as the provision for "employment security."

These years have also witnessed the establishment of an administrative organization in the states and the pioneering work of the Social Security Board in Washington. These have met, with reasonable success, the difficult problems of initiating a benefit-payment system and of collecting contributions. Some 35,000 persons are employed by the various administrative units, the majority of whom are now under a merit system.

Finally, unemployment compensation has come to be recognized as a program for the general welfare, by the courts, by employers, by labor, and by the general public. It now undoubtedly represents a permanent part of public policy in dealing with unemployment. Many groups are evidencing a critical interest which is indispensable in the development of an improved system. Unemployment compensation is an established institution in American life.

THE "OBJECTIVES" OF UNEMPLOYMENT COMPENSATION

For purposes of evaluation, the mere recitation of the physical accomplishments of a program means little. Far more important is the relationship of the accomplishments to the *objective* of the program.

Unfortunately, there has been much confusion concerning the objective of unemployment compensation. To many persons, indeed, there are several objectives. For the fact is that no fully developed or consistent body of unemployment compensation theory preceded the enactment of the first hastily drafted laws.[3] Nor have the amendments of recent years been based on consistent principles. More often they have been motivated by administrative considerations or concessions to pressure groups.

The major controversy in unemployment compensation has been and still is between those who believe unemployment compensation should serve as a "first line of defense" against unemployment and those who believe the system is intended to "stabilize employment." Employers and labor are split on this as are many federal and state administrators. Those who believe that both of these objectives (and even other objectives)[4] should guide the program simply restate the

[3] See Harry Malisoff, "The Import of Theory in Unemployment Compensation," *Political Science Quarterly*, LV (June, 1940), 249–58.

[4] See, e.g., Royal Parkinson, "Designing State Acts for Job Insurance," *Personnel Journal*, 1935–36, pp. 254–61.

issue in terms of "what is the *main* purpose" of unemployment compensation?

In our view unemployment compensation should be governed by a single purpose—the provision of adequate protection, as a matter of right, against unemployment for all ordinarily employed workers who are involuntarily unemployed. Experience has demonstrated that multiple-purpose systems of unemployment relief (including work programs as well as unemployment compensation) produce internal contradictions and often prevent the full realization of any or all of the purposes.

Now no one can deny that among the *effects* of unemployment compensation there *may* be a reduction in relief rolls; that there *may* be a transfer of purchasing-power from prosperity to depression; that employers *may* be aided in retaining their labor reserves intact; and that the stabilization of employment *may* accompany the operation of the system. All these phenomena have already materialized in varying degrees, and each of them should be carefully studied. But—and this is the crux of the matter—these developments do not constitute *objectives* of unemployment compensation. If the stabilization of employment, for example, were one of the "objectives" of the compensation laws, the failure to prevent unemployment would be the failure of unemployment compensation. A recent example of the distortion of unemployment compensation with assorted objectives is the introduction of bills in state legislatures to make unemployment benefits payable in case of sickness. Sickness insurance for the American people is highly desirable and is long overdue. Its absence represents a definite shortcoming of the social security system as a whole. Grafting it upon the unemployment compensation system, however, represents an opportunistic approach rather than a carefully planned scheme to provide benefits during sickness.

On the qualitative side, we would add the following criteria in evaluating an unemployment compensation system:

1. Benefit payments should be socially adequate; in other words, the amount and the duration of benefits should be sufficient to support an unemployed worker and his dependents to an extent that will at least guarantee their subsistence and not require supplementation with general relief.
2. Equal protection (in cost-of-living terms) should be afforded to all workers, regardless of their industry, occupation, or state of residence.

3. The system should be understandable to both workers and employers and not impose unreasonable reporting burdens on employers.
4. Unemployment compensation should be so planned as to avoid uneconomic dislocations in the labor market, undesirable employment practices, and friction between employers and employees.
5. The system should be financed by tax measures which will insure adequate benefits and conform to the principle of "ability-to-pay."
6. The administrative structure should lend itself to the least delay and lowest possible cost in the collection of contributions and payment of benefits.
7. Unemployment compensation should be planned in relation to the entire social security program, so that integration and co-ordination can be achieved where desirable, and duplications of function avoided where possible.

Compared with these standards, the present unemployment compensation system exhibits serious shortcomings.

THE SHORTCOMINGS OF COVERAGE AND "PROTECTION"

A comparison of the number of workers with wage credits under the state unemployment compensation plans and the total number of gainful workers in the United States reveals the first shortcoming of unemployment compensation—its limited coverage. Because of the statutory exclusion of such important occupational groups as agricultural labor, domestic service, government and maritime employment, in addition to the employees of small establishments, scarcely more than half (51 per cent) of the labor supply is covered by the various laws.[5]

In all unemployment compensation statistics, national averages conceal wide variations in state figures. In the case of covered employment a state-by-state analysis shows that the proportion of gainful workers covered varied in 1938 from 15 per cent in North Dakota to 71 per cent in Massachusetts.[6] Industrial states as a rule

[5] Disregarding employers and self-employed persons, it is estimated that the occupational exclusions affect 3,500,000 unpaid family workers in agriculture; 3,300,000 agricultural laborers; 2,500,000 domestic servants; 3,000,000 government employees; 700,000 in nonprofit organizations; 175,000 maritime employees; and several hundred thousand miscellaneous employees. About 5 million workers are excluded by the size-of-firm exclusions.

[6] These variations can be accounted for in large part by the differing industrial patterns among the states. The exclusion of farm labor, for example, affects about 65 per cent of the gainful workers in Mississippi and only 3 per cent in Rhode Island.

cover the larger proportions of their workers, although the exclusion of employees in small establishments has considerable bearing on this figure.[7]

The excluded groups have not been covered under the state laws (and the Social Security Act) for a variety of actuarial, administrative, and political reasons. Without going into this special question, it may be observed that if these grounds for exclusion once had historical justifications most of them have since largely disappeared. In view of the ingenuity which state administrators displayed in solving intricate benefit-payment problems, the collection of taxes from small employers and from employers of agricultural and domestic service would be relatively simple. The real obstacles to the extension of coverage are political—on the one hand, pressure groups of employers and, on the other hand, the reluctance to transfer to a national system of unemployment compensation. Some groups at present excluded, such as maritime workers, can be covered *only* by a national system; it is also extremely unlikely that agricultural or domestic service will ever be covered except through federal action. The actuarial objections to the extension of coverage are now also less well founded in view of the very large reserves in the Unemployment Trust Fund.

In addition, it is important to indicate that many workers may be nominally "covered" by a state unemployment compensation law and still be actually excluded from its protection. In the effort to limit benefit payments to "regularly employed" persons, legislators in all states have included an earnings eligibility requirement. This requirement is expressed either as a multiple of the weekly benefit amount or as a flat amount of wages during a specified past period or, in a few states, on the basis of the length of employment.

Our major interest here is not with the variations[8] or the incon-

[7] It has been estimated that, if coverage was extended to employers of 1 or more workers in all states, the proportion of covered workers in the country as a whole would rise to 62 per cent. The range among the states would then be from 25 per cent in Arkansas (where the 1-or-more provision now applies) to 79 per cent in Maine (where the 8-or-more provision now applies.)

[8] In Rhode Island, e.g., a worker can qualify for benefits by earning only $100 in the previous year; in California the requirement is $300.

sistencies[9] of these provisions but with their results. According to a conservative calculation, in about three-fourths of the states at least 15 per cent of the covered workers in 1938 could not have qualified for benefits on the basis of their annual earnings; and in one-third of the states 25 per cent or more of the covered workers would have been ineligible had they become unemployed.[10] In one state (Florida) about 50 per cent of the applicants for benefit in 1940 were disallowed because they had had insufficient or no earnings. In 1939, 10.1 per cent of the $3\frac{1}{2}$ million initial claims for benefit (disposed of on first determination) in 30 states were disallowed because of insufficient wage credits, while 5.6 per cent were disallowed because they had no wage records. Only 1.2 per cent were disallowed for other reasons.[11] From independent calculations it appears that $4\frac{1}{2}$ million workers, or 18 per cent of the total coverage, could not have qualified for benefits in 1938. These figures indicate that the deviation between coverage and protection is extremely wide. For a substantial proportion of wage-earners, coverage under unemployment compensation is illusory.

THE LIMITATIONS OF BENEFITS: AMOUNT AND DURATION

For those individuals who do meet the coverage and earnings eligibility requirements, the record shows that the average weekly benefit amount and the duration of benefits are both inadequate to meet the needs of most workers and their families.

About 90 per cent of the benefit payments in 1940 were for weeks of total unemployment. The average weekly benefit for total unemployment for the whole country was $10.57. This average varied widely among the states, from $14.16 in California to $4.68 in North Carolina. About 44 per cent of the weekly benefits for total unemployment were in amounts less than $10.00. Indeed, in North Carolina, Arkansas, and Mississippi, more than a third of the weekly

[9] In one state some workers who had earned $360 in the previous year were disqualified, while others who had earned only $160 were found eligible for benefits.

[10] Daniel Creamer and Marvin Bloom, "Notes on Adequacy of Unemployment Compensation," *Social Security Bulletin*, III, No. 1 (January, 1940), 9.

[11] Charles V. Kidd and Enid B. Francis, "Volume and Disposition of New Claims for Benefits in 1939," *Social Security Bulletin*, III, No. 6 (June, 1940), 16.

benefits for total unemployment were less than $5.00.[12] Even allowing for regional differences in the cost of living, large proportions of the weekly benefits seem grossly inadequate to meet the minimum needs of unemployed workers. Furthermore, the combined statutory and "administrative" waiting periods often result in long delays before the payment even of these small checks.

The average annual payment for unemployment in 1940 was $100.15 per worker, ranging from $174.12 in California to only $42.60 in South Carolina. While not entirely comparable, it is important to note that the national annual payment of $100.00 per worker in unemployment compensation compares very unfavorably with the corresponding annual payment for general relief (about $296.00) and for the Work Projects Administration (about $663.00).[13]

The provisions for partial unemployment are even more inadequate than those for total unemployment. The average payment for partial or part-total unemployment in 1940 was about $6.00. The two largest state systems—New York and Pennsylvania—covering about one-fourth of all the workers under unemployment compensation, still do not have any statutory provision for partial unemployment benefits.[14] In the states which do have such provisions, partial benefits have constituted only about 5 per cent of all payments. In some states partial benefits have constituted only about 1 per cent of all benefit payments, while in others this proportion has been about 20 per cent during some months and going as high as 50 per cent.

Lax administration in some states has been as important a factor in accounting for these striking variations as statutory and industrial differences.[15] As of January, 1941, the failure in most states to implement effectively their partial-benefit provisions was one of the definite shortcomings in the benefit program. Since then, the Social Security Board has laid down minimum administrative standards for the payment of partial benefits, and this feature of unemploy-

[12] *Social Security*, XIV, No. 4 (April, 1941), 4–5. [13] *Ibid.*, p. 1.

[14] New Jersey did not enact a provision for partial benefits until December, 1940.

[15] J. J. Joseph, *An Exploratory Memorandum on Partial Unemployment Benefits in State Unemployment Compensation Systems* (Committee on Social Security of the Social Science Research Council Pamphlet Series, No. 4 [May, 1940]). Pp. 103.

ment compensation may soon be improved.[16] The present statutory provisions remain, however, as a limiting factor.

The duration of benefits is fully as important as the size of the weekly benefit amount. In this respect the system is astonishingly inadequate in most states. The laws generally provide for a maximum duration of benefits of 15 weeks. (In Missouri it is only 12 weeks; in California, 26 weeks). With the exception of 11 states which provide for a flat duration for all recipients, however, these provisions are qualified by additional earnings requirements which further reduce the "potential duration" of benefits. In 21 states the maximum duration of benefits can be less than 5 weeks. The average *actual* duration (in full weeks) for selected states together with the "exhaustion ratio" (i.e., the proportion of claimants who draw all the benefits to which they are entitled) for selected time periods is shown in Table 2.

It is clear from these data that about half of all claimants (and in some states a much larger proportion) exhaust their rights to benefits while they are still without jobs. Despite their "favored" status under unemployment compensation, many of these workers may have to turn to relief agencies after all. For the worker who has waited several weeks for the first of 7 or 8 weekly checks which do not adequately cover the living costs of his family, this system can hardly be termed "a first line of defense," much less "social security."

There is abundant evidence of the inadequacy of benefit payments.[17] Early recognition of this problem has brought forth de-

[16] Bureau of Employment Security of the Social Security Board, *Standards and Procedures for the Administration of Benefits for Partial Unemployment* (Employment Security Memo. 15 [February, 1941]). Pp. 38.

[17] See, e.g., the following articles in the *Social Security Bulletin:* Creamer and Bloom, *op. cit.*, pp. 6–9; Daniel Creamer and Arthur C. Wellman, "Adequacy of Unemployment Benefits in the Detroit Area during the 1938 Recession," November, 1940, pp. 3–11; Paul L. Stanchfield, "Adequacy of Benefit Duration in Michigan, 1938–39," September, 1940, pp. 19–28. Articles by Paul L. Stanchfield on "Adequacy of Benefit Payments in a Highly Industrial Area" and by E. J. Eberling on "Adequacy of Benefit Payments in a Semi-industrial Area" may be found in Social Security Board, *Unemployment Compensation Contributions, Benefits, and Reserves* (Employment Security Memo. 5 [February, 1940]), pp. 20–66. Studies by state administrative agencies are abstracted in the *State Research and Statistics Exchange Bulletin*, published irregularly by the Bureau of Employment Security of the Social Security Board.

mands from several sources for increased benefits. The Congressional Committee To Investigate Unemployment and Relief recommended in April, 1939, that the unemployment benefit system "be strengthened." In January, 1940, the chairman of the Social Security Board made the following suggestions for amendments to state laws: (1) The waiting period should be reduced; (2) a higher

TABLE 2

AVERAGE DURATION OF BENEFIT PAYMENTS IN SELECTED STATES*

State	Average Benefit Duration (Weeks)	Proportion of All Claimants Exhausting Benefits
Idaho	10.6	49.4
Iowa	10.1	69.0
Kentucky	12.2	72.3
Michigan	10.9	45.8
Minnesota	8.5	63.0
New Hampshire	9.4	55.3
North Carolina	10.0	39.0
Ohio	12.1	58.0
Oklahoma	7.7	80.4
Pennsylvania	8.8	50.9
West Virginia	9.7	36.5

* Source: "Duration of Benefit Payments," *Social Security Bulletin*, IV, No. 1 (January, 1941), 42, Table 1.

minimum benefit should be provided (at least $5.00 in all states); (3) the benefit rate should be increased; (4) the duration of benefits should be lengthened; (5) partial unemployment benefits should be paid; (6) the eligibility and disqualification provisions should be reexamined.[18]

Aside from the unlikely prospects that such amendments will be enacted, on the basis of individual state initiative, there is a real question about their desirability.[19] "Liberalization" of benefits along

[18] A. J. Altmeyer, "Liberalizing Unemployment Compensation," *Social Security Bulletin*, III, No. 1 (January, 1940), 3–5.

[19] "The existing hesitancy regarding certain proposals for liberalizing benefits may . . . , in no small measure, reflect a feeling that merely an increase of existing benefits would not promote the basic objectives but rather cement the prevailing benefit provisions into the plans—and so make a bad situation worse" (R. A. Hohaus and

existing lines is necessary but not enough. (With the exception of a few states, the amendments adopted thus far in the 1941 state legislative sessions constitute a negligible liberalization.) From the outset, the American laws (with one exception) have adhered to a supposedly mathematically direct relationship between previous earnings and benefits. The basic anomaly of the benefit structure is the fact that the benefit rate (and duration of benefits in most states) is greatest for higher-paid workers, who need it least, and smallest for lower-paid workers, who need it most. As Professor Bakke puts it:

> We have set up a system of benefits to correct the inadequacies and irregularities of wages and have geared the amount and duration of benefits to the very inadequacies and irregularities we are trying to correct. We have set up a device to keep workers off poor relief and then we pay the highest benefits to those workers least likely to need poor relief, and have taken no account of the principal factor which leads them to the relief office, the size of their families.[20]

As a result of the fixed relationship between benefits and earnings, liberalizing the benefit formula is a wholly inadequate method of dealing with the problem of inadequate benefits. What is needed is a revision of the principles on which benefits are paid.

The present benefit formulas incidentally discriminate against women (many of whom are sole wage-earners in their families) and Negroes (regardless of the size of their families) merely because these two groups generally receive comparatively lower wages. Until benefits are related to the needs of workers by providing for dependents' allowances, unemployment compensation will not meet the first test of social adequacy.

EXPERIENCE RATING—A THREAT TO THE UNEMPLOYMENT COMPENSATION SYSTEM

Considering the objective of unemployment compensation, as indicated above, it would seem that the center of attention in this

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F. S. Jahn, "Unemployment Compensation in the United States," *Transactions of the Actuarial Society of America*, XLI, Part II, No. 104 [October–November, 1940], 452–53).

[20] E. Wight Bakke, "The Benefit Structure of Unemployment Compensation," *Lawyers Guild Review*, I, No. 2 (December, 1940), 1–5.

program would be on the payment of benefits. This is not the case. At this writing most unemployment compensation problems, at both the legislative and the administrative levels, are directly involved with, if not subordinated to, experience rating. Thus, for example, in one state during a recent legislative session partial unemployment benefits were "offered" to labor only if labor would agree in return to the inclusion of experience rating in the law. In another state the proposed "deal" was between the elimination of employee contributions and the adoption of experience rating. Proposals to extend coverage, to liberalize benefits, to make determinations of seasonal industries—these and similar measures are tested for their effect upon a possible reduction in the employer's tax rate which experience rating might make possible. In short, employers and many administrators, in their preoccupation with experience rating, are converting the present systems into a tax program rather than one designed to pay benefits to unemployed workers.

The historical antecedents of this trend are well known.[21] The arguments pro and con have been repeated numberless times.[22] And the forces on both sides are pretty well arrayed. Those in favor of experience rating are employers (with some exceptions), most of the state officials (especially Wisconsin's), and the growing industry of "employment stabilization consultants." Opposed to experience rating are organized labor (with rare local exceptions), a number of employers,[23] most federal officials, and most students of unemployment compensation.

Proponents of experience rating, who began by drawing a false analogy between the prevention of industrial accidents and the "pre-

[21] See Harry Malisoff, "The Emergency of Unemployment Compensation," *Political Science Quarterly*, LIV, No. 2 (June, 1939), 237–58; No. 3, September, 1939, pp. 391–420; and No. 4, December, 1939, pp. 577–99.

[22] For general treatises on this subject see Herman Feldman and Donald M. Smith, *The Case for Experience Rating in Unemployment Compensation and a Proposed Method.* Pp. 61. Richard A. Lester and Charles V. Kidd, *The Case against Experience Rating in Unemployment Compensation* (Industrial Relations Counselors, Inc., 1939). Pp. 59.

[23] The Associated General Contractors of America, Inc., e.g., recommends the repeal of experience rating (see *Statements Presented by Several Interested Groups at a Meeting of the Committee on Employer Experience Rating, of the Interstate Conference of Employment Security Agencies* [February 13, 1940], p. 33).

vention" of unemployment,[24] now base their arguments primarily on (1) the assumption that individual employers can stabilize employment under the inducement of a lowered pay-roll tax and (2) on the grounds that experience rating will equitably distribute the costs of unemployment compensation.

There is no question about the *advantages* of steady employment for the individual worker and the individual employer.[25] In the early years of the depression, the employment stabilization movement merited considerable attention among management experts and some employers.[26] It soon became apparent, however, that the major part of unemployment is the result of complex secular, cyclical, and technological factors. The sphere of employment stabilization is therefore confined to seasonal and intermittent unemployment, and even here most individual employers are extremely limited in their ability to control employment fluctuations.[27] Despite this reality, experience rating has given "new life"[28] to the employment stabilization movement.[29]

[24] See Karl Pribram and Philip Booth, *Merit Rating and Unemployment Compensation* (Social Security Board, October, 1939), pp. 8–12.

[25] "Indeed, the value of regularized employment to those directly benefiting is such that one may wonder why an incentive tax is required to bring about regularization" (Charles V. Kidd, "The Issue of Merit Rating in Unemployment Insurance," *Social Security*, 1940, p. 57).

[26] Among the many studies of this period were the following: Edwin S. Smith, *Reducing Seasonal Unemployment* (New York: McGraw-Hill Book Co., 1931). Pp. 296. New York State, The Governor's Commission on Unemployment Problems, *Less Unemployment through Stabilization of Operations* (Albany, 1931). Pp. 130. International Chamber of Commerce, American Section, *Employment Regularization in the United States* (Washington, 1931). Pp. 84.

[27] See especially Committee on Employer Experience Rating of the Interstate Conference of Employment Security Agencies, "An Evaluation of Experience Rating in Relation to Federal Standards and the Broad Social and Economic Effects of Variable Rates," *Majority Report* (September, 1940), II, 26–42.

[28] In the most recent book on this subject the firms selected as successful illustration of stabilization are very frequently the identical ones (e.g., Proctor & Gamble, Columbia Conserve, Eastman Kodak, etc.) cited ten years earlier (see Herman Feldman, *Stabilizing Jobs and Wages* [New York: Harper & Bros., 1940]. Pp. 334).

[29] In a summary of nine of "the more important financial advantages that accrue to employers from employment regularization," as enumerated by 183 companies, the "reduction of tax rates through merit rating" was listed first (see National Association of Manufacturers, *Employment Regularization* [January, 1940], p. 11).

As for the second argument, the confused state of shifting and incidence theory with respect to the pay-roll tax makes it virtually impossible to allocate the social cost of unemployment. In this connection it might be pointed out that "there is a basic inconsistency between the two justifications advanced for experience rating. If experience rating is to allocate social costs, it must do so through increased prices to consumers. A perfect allocation would result in the complete unloading of the tax by employers; in the long run employers would bear no part of the burden of the tax. On the other hand, for the pay-roll tax to serve as an incentive to stabilization assumes that the employer bears the burden of the tax. If the employer bears the burden of the tax, he cannot shift it; if he shifts it, he cannot bear its burden."[30]

But it is not enough to say that experience rating is wrong in theory alone. Experience rating, when saddled on an unemployment compensation system, has positive harmful effects.[31] The reintroduction of the interstate competition problem,[32] the threat to the solvency of the state funds,[33] and the almost unbelievably complex administrative problems created by experience rating[34] constitute extremely forceful arguments against it in unemployment compensation.

Above all, data which have recently been published on the opera-

[30] Committee on Employer Experience Rating of the Interstate Conference, *op. cit.*, II, p. 50.

[31] When provisions for the stabilization of employment were experimented with in Great Britain and Germany, through unemployment compensation, the results were unfortunate. These provisions were abandoned when they came in conflict with the protective function of the program.

[32] "One study shows that employers with identical employment would have paid 3 per cent in Michigan, 2.7 per cent in Kentucky and Wisconsin, 1.5 per cent in Connecticut, and less than 1 per cent in Delaware" (Committee on Employer Experience Rating of the Interstate Conference, *op. cit.*, II, p. 10).

[33] Thomas J. Mills, "Unemployment Reserves and Experience Rating," in Social Security Board, *Unemployment Compensation Contributions, Benefits, and Reserves* (Employment Security Memo. 5 [February, 1940]), pp. 67–78.

[34] Charles V. Kidd, *The Administration of Automatic Merit Rating under Pooled Fund Laws* (Bureau of Research and Statistics of the Social Security Board, Bureau Memo. 3 [September, 1938]. Pp. 115). A summary of this report may be found in the *Social Security Bulletin*, I, No. 11 (November, 1938), 3–9.

tion of experience rating in the 4 states (Wisconsin, Nebraska, South Dakota, and Indiana) where variable rates were in effect prior to January, 1941,[35] make it possible to formulate several propositions which represent positive criticisms of this device and emphasize the urgency of its repeal. To state them briefly: (1) Experience rating has encouraged employment practices inimical to workers and undesirable from the point of view of labor-market policy; (2) most reduced contribution rates have not been directly related to bona fide employment stabilization but reflect such chance factors as the industry of the employer, economic conditions, or the peculiarities of the present experience-rating provisions; many employers, for example, will be able to secure reduced rates because production for defense needs will reduce employment fluctuations in their plants. (3) Experience rating is being utilized as a method of reducing taxes and restricting benefits and thus works at cross-purposes with the objective of unemployment compensation.

The present experience-rating provisions of state laws generally measure stabilization in terms of a "reserve ratio," i.e., the relationship between the amount of benefits paid from an employer's reserve account and his average annual pay roll. Consequently, the inducement for employers is not so much to stabilize employment as it is to reduce compensable unemployment,[36] and for the majority of employers this is probably much more feasible.

C. A. Myers' recent study of experience rating in Wisconsin[37] demonstrates the necessity to distinguish between bona fide stabili-

[35] The effective dates of variable rates among the 39 states with experience-rating provisions are as follows:

Effective Date	No. of States	Effective Date	No. of States
January, 1938	1	January, 1942	19
January, 1940	3	July, 1942	2
January, 1941	11	January, 1943	1
July, 1941	2		

[36] "So long as this loop-hole exists, experience rating is very defective, and in actual operation will fail to secure the theoretical advantages of variable contribution rates" (Edwin E. Witte, "Whither Unemployment Compensation?" *Proceedings of the Institute of Employment Security* [University of Minnesota, 1940], p. 55).

[37] Charles A. Myers, *Employment Stabilization and the Wisconsin Act* (Bureau of Employment Security of the Social Security Board Memo. 10 [September, 1940]). Pp. 149.

zation and reduced tax rates achieved through benefit avoidance. Inasmuch as "the results of an employer's efforts to avoid benefits are reflected in his reserve ratio in exactly the same way as efforts intended to stabilize employment,"[38] the study realistically had to deal with both techniques. Along with the customary methods of stabilization,[39] in which a degree of success was attained by a limited number of firms,[40] Myers discovered the following devices of avoiding benefits: (1) work-spreading (or the stabilization of *underemployment*) was being used more intensively by about half of the 247 firms interviewed than before the Act was passed; (2) 15.8 per cent of the firms were hiring for the probationary period only; (3) 13 per cent hired persons not eligible to receive benefits (students, self-employed, etc.); (4) about a fourth of the firms laid off or rehired employees at such a time of the calendar week that partial benefits did not result. (This method does not differ greatly from work-spreading.) Other devices used to avoid benefit payments included contracting out of certain work, moving some operations out of the state, and laying off those workers with the fewest weeks of employment to their credit.[41]

As variable rate provisions become effective in more states, these practices will undoubtedly increase. Experience rating has given rise to the growth of stabilization consulting services (a few of them are operated by former unemployment compensation officials) which advise employers on methods of reducing tax rates. The business press contains numerous articles both on methods of stabilizing employment and on avoiding benefit payments.[42] Many of these articles ad-

[38] *Ibid.*, p. 93.

[39] Used most frequently were (1) more centralized employment management, including more careful selection of the work force; (2) transfers; (3) repair work in off-seasons; (4) production planning; (5) working overtime or refusing orders. Used less frequently were (6) diversification of products, (7) dovetailing, (8) advance orders, and (9) standardizing the line of products (*ibid.*, pp. 83–91).

[40] See also Industrial Commission of Wisconsin, *The First Wisconsin Conference on Steadier Jobs* (Milwaukee, June 21, 1940). Pp. 68.

[41] Myers, *op. cit.*, pp. 93–101.

[42] See Franz Huber, *A Brief Bibliography on Changes in Employment Practices Resulting from the Operation of the Social Security Program* (Committee on Social Security of the Social Science Research Council, July, 1940). Pp. 9.

vise laying off employees who are ineligible for benefits, hiring ineligible workers, hiring employees with greater care, contracting out certain jobs, refraining from employment expansion, spreading work and taking advantage of the disqualification provisions by filing appeals against the allowance of benefits in all questionable cases.[43]

In the Myers study only about 11 per cent of the firms interviewed achieved appreciable stabilization, yet 43 per cent of these firms received reduced rates in 1939 under the Wisconsin law. In fact, some of the firms which reported that stabilization was for them "difficult or impossible"—and actually achieved none—did obtain rate reductions.[44] If bona fide stabilization has not taken place, then how have reduced rates been achieved?

Aside from benefit avoidance, the answer can be found in the nature of the employer's industry, economic conditions, voluntary contributions to the fund, and similar factors. In Wisconsin, Nebraska, South Dakota, and Indiana reduced rates were generally common in the transportation, communications, utilities, printing and publishing, wholesale and retail trade, finance, insurance, real estate, and similar industry groups, while they were comparatively infrequent in coal mining, construction, and certain manufacturing industries. This seems to substantiate the statement that experience rating "rewards employers who are fortuitously located in stable in-

[43] See, e.g., James A. Councilor, "Social Security Taxation," *Journal of Accountancy*, October, 1939, pp. 244–52.

Some employers have gone further. Some state agencies and the Social Security Board have been receiving letters from workers indicating that the practice of intimidating employees against filing claims for benefits, under the threat of complete separation from the job, is fairly widespread. Some workers have already been discharged because they exercised their right of claiming benefits. In one case, an employee worked without remuneration in order to reimburse her employer for benefit charges against his reserve account, on threat of permanent loss of job and blacklisting. If these cases are not typical, they are at least serious enough to have called forth proposals for legislation making it illegal to intimidate employees against filing unemployment benefit claims.

Another development is the establishment by employer or trade associations of clearing houses for jobs. The National Metal Trades Association has established such bureaus in a number of midwestern cities (see Harwood F. Merrill, "New Job-stabilizing Plan Cuts Payroll Taxes," *Forbes*, August 1, 1938, p. 12.

[44] Myers, *op. cit.*, pp. 132–36).

dustries, and adds further difficulties to those who are unfortunately engaged in unstable industries."[45]

There does not even seem to be a pretense that reduced rates are directly related to employment stabilization. (Significantly, experience rating is no longer called "merit rating.") In Nebraska, where 31 per cent of all employers obtained rate reductions in 1940, "chance factors, such as credit for 1936 contributions and employers' voluntary contributions, which are not directly related to personnel practices intended to reduce employment fluctuations, have played a significant part in accounting for variations in employer contribution rates for 1940."[46] In Indiana, where only 4 per cent of all employers received rate reductions during 1940, "declining pay rolls during 1939 and the payment of voluntary contributions were largely responsible for the reductions in contribution rates, rather than employment stabilization."[47] And in South Dakota, where 7 per cent of the employers were favored with rate reductions, "these reduced rates are attributable to declines in employers' 1939 pay rolls, as compared to pay rolls in earlier years, rather than to stabilization achievements."[48] In Wisconsin the high proportion of accounts with reduced rates (60 per cent) can be accounted for in large part by the longer period (from July 1, 1934, to December 31, 1937) of previous contributions at 2 per cent.[49] In most other states contribution rates were 0.9 per cent in 1936 and 1.8 per cent in 1937.

The social value of whatever stabilization has been, and may yet be, achieved is open to question. In the first place, it is conceded that regularization in one plant may lead to employment irregularities in another. Furthermore, some stabilization practices lead to increased unemployment. The Myers study pointed out, for example, that, through working overtime, hiring fewer at peaks, or

[45] William Haber and J. J. Joseph, "Unemployment Compensation," *Annals of the American Academy of Political and Social Science*, CCII (March, 1939), 27.

[46] "Operation of Experience Rating in Nebraska, 1940," *Social Security Bulletin*, IV, No. 1 (January, 1941), 20.

[47] Bureau of Employment Security of the Social Security Board, *Experience Rating Operations in Delaware, Indiana, South Dakota, 1939–1940* (1941), p. 1.

[48] *Ibid.*

[49] "Experience Rating in Wisconsin, 1940," *Social Security Bulletin*, IV, No. 2 (February, 1941), 18.

refusing orders, about 4,000 workers (about 2.4 per cent of the total involved) were getting less work or were unemployed. One student writes:

> Regularization will tend to reduce the number of jobs. By penalizing employers whenever a worker draws benefits, employers are constrained to cut working forces to a minimum and to delay expansion of employment. While such a policy may aid those who retain jobs, it is not a rational labor market policy to restrain the expansion of employment.[50]

A leading exponent of experience rating readily admits that one limitation of regularization is that some workers who had had at least irregular employment may become totally unemployed as the result of stabilization efforts.[51] This would aggravate, not alleviate, the problem of unemployment relief in the larger sense. Finally, there are signs that experience rating, with the increase of disputed benefit claims which it entails, is introducing an additional disturbing factor in labor relations.

In view of the record to date there is small wonder that the director of the Bureau of Employment Security should express the concern of the Social Security Board as follows:

> The Board does not want experience rating to be simply a vehicle for tax reduction and restriction of benefits. If we are to have tax reduction in this program, let us have it openly and above board. Let us decide what taxes and benefits we should have, apart from experience rating which, after all, is just a method of sharing the taxes. Above all, let us not pretend we are stabilizing, if all we are doing is legally restricting the benefits by various devices.[52]

If the undesirable effects of experience rating on employment practices are considered in conjunction with its other unwholesome features, particularly the tendency to distort the benefit provisions of the program, it appears that the variable-rate device is working at cross-purposes with the social objectives of unemployment compensation. If further experimentation with incentive taxation is desired, the attempt should be divorced from the unemployment benefit program.

[50] Charles V. Kidd, "The Issue of Merit Rating in Unemployment Insurance," *Social Security*, 1940, pp. 57–58.

[51] Feldman, *op. cit.*, pp. 19–20.

[52] Ewan Clague, "The Future of Unemployment Compensation," *Proceedings of the Second American Retail Federation Forum* (Chicago, May, 1940), p. 148.

FINANCIAL EXPERIENCE

Owing largely to the low level of benefit payments, the restrictive eligibility requirements, and the collection of the nonrecurrent initial reserve, the unemployment trust fund has accumulated almost $2 billion. During 1940, only 61 cents in benefits was paid out for every dollar collected, while the total of all benefits paid thus far is equal to only 41.2 per cent of cumulative collections and interest.[53] At the present level of benefit payments and tax rates, the reserves will continue to increase.

The wide discrepancy between income and outgo has naturally led to demands for over-all tax reductions by employers, and for liberalization of benefits by labor. In view of the acknowledged inadequacy of benefits, the reduction of existing contribution rates would be an unwise and undesirable method of meeting the criticisms of the supposedly excessive reserves.

Not all states by any means enjoy the sound financial position which the national figures suggest. In 1938 more than half of the states which were paying benefits had to dip into the initial reserves. Since then, drains on the fund have been somewhat reduced. In 1939 only one state (Idaho) paid out more in benefits than it had collected in contributions. Benefits exceeded collections in only 4 states (Idaho, Montana, Wyoming, and Nevada) in 1940. Nevertheless, some funds could not withstand a prolonged period of unemployment even at the present tax rates, much less at reduced rates. In Michigan, for example, where there is a seemingly "safe" reserve of $70 million, the percentage of benefits to collections since benefits first became payable is 94.9; in New York, 72.2 per cent; in Maine, New Hampshire, and Rhode Island, over 75 per cent; and in Idaho and Nevada over 100 per cent. On the other hand, many states—like Connecticut, Delaware, New Jersey, District of Columbia, Ohio, Missouri, and Wisconsin—could afford to pay more adequate benefits without increasing the present rate.

In any event, under the present arrangement, some state systems will continue to accumulate large reserves while others will eventually go bankrupt. To meet this situation, proposals for a reinsur-

[53] Bureau of Employment Security of the Social Security Board, *Summary of Employment Security Activities, December 1940* (February 11, 1941).

ance fund have been under consideration for some time. The necessity for a reinsurance plan will continue as long as unemployment compensation is financed on a state basis, with its attendant variations in the risks covered, the unequal financial burdens among states, and also the limited pooling of risks (aggravated in states which do not even provide pooling of unemployment risks *within* the state).

The McCormack Bill[54] (sponsored by the American Federation of Labor) and the Murray Bill[55] (sponsored by the C.I.O.) both not only proposed a federal reinsurance fund but sought to establish federal minimum-benefit standards with respect to the waiting period, minimum weekly benefits, minimum duration, partial benefits, and maximum-qualification provisions. No doubt the enactment of such a law would remove the danger of insolvency and establish slightly improved benefit standards (and a greater degree of uniformity). But federal reinsurance and minimum-benefit standards represent only halfway measures in meeting the present shortcomings of unemployment compensation. Besides, they would bring their own difficulties with them: delays in the adoption of conforming legislation by the states; increased federal "policing" of state laws and financial and administrative operations; and a further complication of federal-state relations. The author of a recent study on unemployment compensation states that "the very measures required to remedy the defects and close the gaps in a federal-state system would tend for the most part to render it more complicated and cumbersome."[56] The solution of the present difficulties can be "much more simply and surely achieved" by the establishment of a national system of unemployment compensation.

THE ORGANIZATION OF UNEMPLOYMENT COMPENSATION

A discussion of the administrative problems of unemployment compensation is beyond the scope of this article. But this survey of the current status of unemployment compensation would be less

[54] H.R. 7762 (76th Cong., 3d sess.). [55] S. 3365 (76th Cong., 3d sess.).

[56] Raymond C. Atkinson, *The Federal Role in Unemployment Compensation Administration* (Committee on Social Security of the Social Science Research Council, 1941), p. 183.

than complete if it failed to point out, at least summarily, that the present federal-state system violates almost every principle of organization and administrative management that one can call to mind: clear demarcation of spheres of responsibility, prevention of parallel performance of identical work, appropriateness of the administrative unit to the function it is performing, maximum utilization of specialized technical services, avoidance of a rigid bureaucracy, enlistment of public understanding of the program, and agreement on the objective. When applied to unemployment compensation, these principles speedily suggest numerous anachronisms in the present structure.

A lively chapter in the history of federalism in the United States could be written in terms of the relationship of the Social Security Board to the state unemployment compensation agencies alone. The cordiality of federal-state relations has, of course, varied as between states. But without exaggeration, the last five years have been characterized by an almost ceaseless conflict between the agencies at the two levels of government. Inherent in the nature of the present system, the issues have concerned budget grants, administrative standards, merit systems, and many other matters. The attendant friction has undoubtedly hampered the administration of the program. And unemployment compensation cannot afford any more impediments than are already imposed upon the administrators by the badly designed laws now in operation. It is a tribute to the tenacity of both federal and state officials that, in the face of these difficulties, benefits were paid almost when due in most of the states.

A few years ago the Interstate Conference of Employment Security Agencies was organized. At the first meetings of this body the discussions usually revolved around technical administrative problems in the states, and the state officials had an excellent opportunity to profit from one another's experiences. Recently, however, the function of the Interstate Conference has undergone a metamorphosis. Judging from the proceedings the organization, though continuing its interest in technical problems, can now best be described as an agency to protect the states against the "infringement" of the Social Security Board and to maintain the federal-state system.

The duplication of functions among the 51 states themselves is in obvious conflict with good organization. Certain local operations, such as placement activities and claims-taking, could not be abbreviated in any kind of a system. However, most operations at the state level, such as collecting contributions, maintenance of wage records (witness the Old Age and Survivors' Insurance System) and the staff functions of personnel, purchasing, accounting, research, statistics, planning, legal service, information, and publicity, could be centralized or at least regionalized (in 6 or 8 regions) to great advantage.

New York, Pennsylvania, Illinois, Ohio, California, Massachusetts, and Michigan contain more than 50 per cent of the workers covered by unemployment compensation in the United States. What logic is there in an administrative organization where 7 agencies bear half of the load while 44 other jurisdictions divide the remaining half?[57]

Two years ago, the present writers asserted that the vaunted advantages of a state system, viz., "experimentation" and adaptation to "local conditions," had not yet materialized.

> The contribution rate was not matched with the rate of unemployment. The waiting and benefit periods in general have no bearing on the duration of unemployment. The provisions for coverage bear little relation to the industrial and occupational distributions in the states. Benefit structures have no relevancy to the wage and income patterns. Size-of-firm exclusions were drafted without reference to the size of the establishments in the state. . . . .
>
> Because of the extreme diversity in all the factors of the state labor markets, from area and population to occupations and wages, the same provisions in different state laws operate with different effect, resulting in many anomalies in administration and many inequities to the workers.[58]

This observation is still sound today in spite of two years of legislative and administrative change.

[57] In 1940 the ratio of administrative costs to benefit payments in each of the seven largest states was less than 15 per cent. In California it was 8.4 per cent, and in Illinois, 9.1 per cent. Small states, on the other hand had much higher administrative costs in relation to benefit payments. In South Dakota, in 1940, it was 50.4 per cent; in Hawaii, 45.4 per cent; in North Dakota, 36.1 per cent; in the District of Columbia, 35.8 per cent; and in ten other states, between 25 and 30 per cent.

[58] *Op. cit.*, pp. 32–33.

Principles of organization, then, like the actuarial experience to date, suggest that a national system of unemployment compensation would by all odds be an improvement over the present federal-state system.

The author of a penetrating analysis of social insurance organization in Great Britain and Germany[59] posits the following proposition as one of his basic conclusions: "A social insurance system, coordinated organizationally and actuarially-technically, is easiest to achieve when the number of supervisory and insurance bodies is smallest. The best social insurance organization is usually the simplest."[60] And further, "The best time to coordinate a social insurance system is at the time of its creation."[61]

Although it is too late to apply the latter lesson to our situation, we are warned that "the mould of organization sets early and it tends to set hard." A national unemployment compensation system should, therefore, replace the federal-state system as soon as possible.

UNEMPLOYMENT COMPENSATION AND DEFENSE

The most radical impact of the defense program on employment security thus far has been the activation of the employment service. With the shift from a labor-market condition long characterized by oversupply to one of potential labor shortage, the employment service has assumed a greater significance than ever before. The preparation of periodic active-file inventories, the speeding-up of the clearance procedure, and the enhanced co-operation with employers and with the National Defense Advisory Commission have placed the employment service in the national spotlight.[62] Nevertheless, the overshadowing of unemployment compensation is but temporary. Both defense and post-defense considerations suggest that the benefit phase of the program will also have to be revised and greatly

[59] C. A. Kulp, *Social Insurance Co-ordination* (Committee on Social Security of the Social Science Research Council, 1938). Pp. 333.

[60] *Ibid.*, p. 300. [61] *Ibid.*, p. 305.

[62] See Ewan Clague, "Labor Supply and the Defense Program," *Social Security Bulletin*, III, No. 7 (July, 1940), 16–20; and Milton O. Loysen, *The Employment Service and National Defense: An Address before the American Association for Social Security* (New York, April 4, 1941).

expanded if it is to meet the changed conditions imposed by the defense program. Great Britain's experience since the beginning of the present war bears this out.

An example of an *immediate* impact of the defense program on unemployment compensation is the problem created by the Selective Training and Service Act, under which all males between the ages of twenty-one and thirty-six are required to serve one year in military training. At first glance, it would appear that the state unemployment compensation systems would be adequate to meet this new condition. Benefits in practically all states, however, are based on earnings in covered employment in the year *immediately preceding* the benefit claim. As the state laws now stand, therefore, a year's military service would disqualify trainees from accumulated benefit rights after their return from camp.[63] Clearly, if these eligibility provisions are not altered, unemployment compensation will be no protection against unemployment during most of the year following the return to covered employment. Even if the year of service is disregarded in determining eligibility for benefits, those individuals who had not acquired sufficient earnings in the year previous to service, in addition to those individuals entirely excluded from the unemployment compensation systems, would require some other type of protection.

The Social Security Board has transmitted to the state employment security agencies a draft amendment on this subject, which, if adopted, would "preserve" old benefit rights within the framework of the present benefit structure.[64] As of April 1, about 60 bills had been introduced in about 30 states. About 15 states have already adopted amendments for this purpose. Generally speaking, these bills are brief (few are patterned after the Board's draft amendment) and merely proclaim the intention of the legislatures that the benefit rights of any individual will not be prejudiced by his entry into the military forces. They do not create any new benefit

[63] Selective service trainees have certain re-employment rights after their period of service (Pub. No. 783, c. 720, Sec. 8 [76th Cong., 3d sess.]).

[64] William H. Dillingham, "Preserving State Unemployment Benefit Rights for Individuals Entering Military Service," *Social Security Bulletin*, IV, No. 3 (March, 1941), 11–17.

rights. In view of the large number of ineligibles among ex-trainees (estimated at 50–70 per cent) and of the inadequacy of present provisions, this situation clearly calls for federal action. It is extremely unlikely that all the states will even enact the amendments necessary to maintain old benefit rights. (Five legislatures do not meet in regular session in 1941.) Among the states which do adopt amendments, protection against unemployment for men mustered out of military service will not be uniform.

To meet the problem thus created, it has been proposed[65] that the federal government finance a special system of unemployment benefits to all persons mustered out of the military service, regardless of their status under state unemployment compensation systems and regardless of their previous wage-earning experience. A uniform rate of benefit ($15.00 per week) and a uniform maximum period of benefits (16 weeks) have been suggested. No waiting period would be required. Benefits would be payable through the existing facilities of the public employment offices. If an individual remained unemployed longer than 16 weeks he would then apply for any benefit rights previously accumulated under the state systems.

Whether the system is patterned along these lines or whether it goes further, it is clear that the federal government will have to assume some, and probably the major, responsibility for the protection of individuals mustered out of military service.

The impact of the *post-defense period* is by far the most important problem which will confront unemployment compensation and the social security system in general. In order to cushion the shock of the unemployment anticipated when defense industries slacken, a general expansion of social security will be necessary. The prospect of what would happen if the present system were not amended is alarming. The reserve funds for certain states would certainly become bankrupt. There would be a loud clamor for the continuation of insurance benefits. Many persons would fail to qualify under the requirements of any of the existing programs for unemployment aid. To prepare for this emergency, the revamping of unemployment compensation should be prepared in advance. Many

[65] One such suggestion was made by the Railroad Retirement Board (see their *Annual Report for the Fiscal Year Ended June 30, 1940* [Washington, 1941], p. 11).

advantages will accrue if a more flexible system, from the point of view of finances, benefits, and administration, is established now and some experience in its operation is acquired before the need reaches peak.

The recent experience of Great Britain is instructive in this connection. Not long after Britain's entry into the present war, an emergency unemployment insurance act, giving the minister of labour wide emergency powers, was adopted. To meet the conditions of war the following changes were made: (1) the coverage of the system was enormously widened (new groups were given protection, including nonmanual workers whose remuneration was between £250 and £420 a year); (2) the eligibility provisions were relaxed significantly; (3) benefits were substantially increased for insured persons and dependent children (the duration of benefits is now a flat 30 weeks and benefit rates were increased to match rises in the cost of living); (4) benefits to agricultural workers were extended; and (5) contribution rates were increased for employers, workers, and the government. The unemployment assistance program was also amended, mainly by increasing allowances and relaxation of the means test, and training allowances were extensively liberalized. Thus "Great Britain has mobilized her entire employment security system, as part of her defense machinery, in organizing the Nation for the prosecution of the war."[66]

Compared to these provisions, the American laws are woefully deficient. It should be noted that the British steps toward liberalization were taken when that nation was suffering the acute financial conditions imposed by modern warfare. Whatever the future may hold for the United States, there is every reason to urge an extension of coverage and benefits at once, when our financial position is comparatively secure. In the post-defense period there will be less patience with the niceties of earnings eligibility requirements or with federal-state conflicts which impede security for the working population. An improved unemployment compensation system will not answer all the problems. Public works and general relief by the federal government will undoubtedly be part of the post-defense program. But if it is acknowledged that defense is a national problem,

[66] Benjamin Haskel, "Employment Security in Great Britain during the First 14 Months of the War," *Social Security Bulletin*, IV, No. 2 (February, 1941), 11.

then the arguments for a national unemployment compensation system have even greater propriety at this very moment.

The experience-rating provisions also stand in the way of sound planning for the post-defense period. One state official has stated that

> the unemployment insurance program is today the only long-range program which might serve as a brake upon a national business deflation at the end of the existing wars in Europe and Asia. Therefore, during these years of prosperity, due to vast expenditures on national defense, we should be building a large reservoir of billions of dollars not only to take care of the unemployed, but to put quickly in the hands of the consumers of the nation several billions of dollars in order to stem the tide of national deflation. Such an objective is impossible under the existing Fiscal Policy wherein we have today, under Employers' Experience Rating, a system of variable tax rates in forty states—each state differing from the other.[67]

The federal-state organization imposes a dangerous inflexibility on the unemployment compensation system. In times of rapid change, necessary amendments must await the independent action of 48 state legislatures which meet only every 2 years (and not all of them in the same year). When employment is rising rapidly, as at present, the placement and clearance functions would be facilitated if they were organized in a single national employment service. When employment falls precipitously, as is anticipated in the post-defense period, any necessary changes in the financial structure or benefit payments could be simplified immeasurably if unemployment compensation was 1 system instead of 51. In this respect Great Britain has a distinct advantage over the United States.

CONCLUSIONS—THE NEED FOR A NATIONAL SYSTEM

The federal-state unemployment compensation program in the United States has not measured up to expectations. (1) Its benefits are extended to an altogether insufficient portion of the working population. (2) Those workers who are fortunate enough to be covered draw entirely inadequate benefits in relation to their family needs when they are unemployed. (3) There is no agreement as to the purpose of the program; on the contrary, one element of it—

[67] Clemens J. France, *Employers' Experience Rating within the Framework of a System of Unemployment Compensation: An Address before the American Association for Social Security* (New York, April, 4, 1941), p. 8.

experience rating—works at cross-purposes with the aim of unemployment protection. (4) The method of financing, besides being extraordinarily complex, is a regressive tax device which distributes the burden unequally and tends to introduce undesirable employment practices. (5) The choice of the state as the governmental unit for the operation of unemployment compensation is in conflict with the labor-market realities of the unemployment problem and imposes unnecessary administrative difficulties. (6) In relation to national defense the unemployment compensation system is too inflexible and, unless amended, will be inadequate to cope with the post-defense readjustments.

We are in accord with the proposals for revision of the benefit structure (not mere "liberalization") to relate it more closely with needs, for an extension of coverage, for a simplification of administration, and for improved co-ordination between unemployment compensation and relief. A sober analysis of the probabilities of achieving these amendments in the 48 states, either by individual state action or by the application of federal minimum standards, however, compels us to concentrate our major recommendations to two points only: (1) the present federal-state unemployment compensation system should be converted into a single national system with respect to both unemployment benefits and the employment service; and (2) experience rating, in any form whatsoever, should be entirely eliminated from the unemployment compensation system. An examination of the relationships between the various aspects of the system suggests that these two steps, if undertaken simultaneously and at an early date, would quickly lead to the realization of the objective of unemployment compensation. Let us see how a national system would expedite substantive improvements and, at the same time, answer the objections currently leveled at the unemployment compensation system.

Too few workers are covered by the state systems, it is correctly charged. Both administrative difficulties and fear of excessive costs prevent the extension of coverage under a state system. But the way usually held out for bringing in agricultural and domestic workers is a separate-industry scheme, financed with federal funds and administered by some type of stamp-book system. It would be unfortunate, indeed, if another independent unemployment compensa-

tion system were added to the already complicated organizational structure. On the other hand, under a national system with proper financing, the costs of additional coverage could more readily be met, and the vast federal facilities for administration could accomplish what the individual states have been unable to do. For example, the national old age and survivors' insurance program has already established accounts for more than 50,000,000 workers and has collected taxes from about 2,000,000 employers including employers of 1 or more.

Another current proposal for extending coverage is to establish a separate maritime unemployment insurance fund. This has been debated in Congress for more than 3 years, but there is still no immediate prospect of its enactment. Under a national system the additional coverage of 175,000 workers could be taken in stride, both administratively and financially. At the same time, more than a million railroad workers now covered by the Railroad Unemployment Insurance Act could be made a part of a single national system. (But railroad labor cannot be expected to accede to such a proposal unless the new system provided benefits at least as adequate as the present railroad unemployment insurance system does.)

The elimination of experience rating would also affect the possibilities of extending coverage. Seasonal workers, for example, who need the protection of unemployment compensation perhaps more than any group does, would face less pressure for their exclusion if their employers, who find it impossible to stabilize, were not threatened with penalty rates (above 2.7 per cent) in experience rating. Further, no one thinks seriously that experience rating should be applied to agricultural workers or domestic servants when they are eventually brought into the system. Shall we, then, have experience rating for some industries and not for others? Already the railroad unemployment insurance system has no experience-rating feature because it is said not to be "applicable" to this industry. Shall we repeat all the errors of British experience with "contracting out" by individual industries?

How would a national system affect the benefit structure of unemployment compensation? In a word, a national system would permit uniform benefit standards (in terms of the relation to the cost of living) throughout the country as a whole. The cost of unemploy-

ment would be spread over the widest possible base, thus permitting a more adequate benefit system in all respects—a shorter waiting period, a higher weekly amount related to family needs, and a longer duration of benefits. A national system would avoid competition among the states in benefit rates and would assure more adequate benefits in those areas where unemployment is greatest.

The elimination of experience rating would profoundly affect benefit payments because it would remove one of the fundamental contradictions in the present system, namely, the effort simultaneously to increase benefits and reduce costs. But experience rating cannot be eliminated while unemployment compensation is on a state basis, for practical political reasons.

How would a national system affect the financing of unemployment compensation? In place of the present regressive system of pay-roll taxes there could be substituted an improved tax structure, deriving part of its funds from the general treasury, although pay-roll taxes might be retained as a partial source of revenue. Sound financing of unemployment compensation calls for a government contribution. Because of the competition between states, this is a remote possibility under a state system. The financing of the present system is condemned to the pay-roll tax method alone. Laws were passed in all the states only because of the "compulsion" of the tax-offset method, and it is not unlikely that if the Federal Unemployment Tax Act (formerly Titles III and IX of the Social Security Act) were repealed, some of the states would abolish their unemployment compensation systems forthwith.

How would the elimination of experience rating affect the financing of unemployment compensation? The repeal of experience rating would eliminate part of the danger of insolvency of funds because of reduced rates. There may be no objection to the attempt by government to achieve stabilization of employment through incentive taxation, although the probabilities of success, in our opinion, are slight. There is strenuous objection, however, to mixing up this attempt with an unemployment benefit system and thus thwarting the purpose of that program.

How would a national system improve the administration of unemployment compensation?[68] For one thing, a national system

[68] See especially Atkinson, *op. cit.*

would replace the present complicated division of authority and responsibility between federal and state systems. The wasted motion which results from the friction between the Social Security Board and the state agencies would be eliminated. The present duplicating functions in the state agencies—a system which provides for 51 research and planning units, 51 legal departments, 51 information services, 51 personnel divisions, 51 collection agencies, and so forth—would be replaced by a single, central administrative body. Those functions which belong in the local areas could be decentralized to the proper regional, state, and local units. Significant savings would also accrue by the elimination of the present dual system of tax collections by the federal government and the states (this improvement, however, could be effected even without an outright national system). Larger and more economical operating units could be established under a national system. The confused Federal-State Employment Service relationship—confused rather than aided by the Wagner-Peyser Act—could be corrected and a truly national employment service established.

A national system would also make possible improved personnel standards. Civil service provisions could then apply to all jurisdictions without the present endless conflict with the Social Security Board when it enforces the merit system in the states. Political influence in the selection of employees would diminish under a single system. The employees would have a wider opportunity for advancement and for careers in the public service. Personnel could be transferred between central and local agencies with attendant advantages.

With a national system of unemployment compensation the problems of co-ordination with other social security programs would be simplified. The administrative structure of social security in the United States provides numerous examples of lack of planning and the absence of necessary co-ordination. The programs which are intended to meet the problem of unemployment alone take a multiplicity of forms. Work relief is administered for the most part on a national basis; unemployment compensation and the employment service are federal-state systems; and general relief is organized on either a state or local basis, or on both. If a national policy is to be formulated, it should take cognizance of all these systems. Unem-

ployment is a national problem, and it can be handled successfully only on that basis. Serious problems which have already arisen in the relationship between unemployment compensation and relief could be partly solved if unemployment compensation were nationalized, but further improvements would be possible only if there were a general underpinning system of relief, financed in whole or in part by the federal government. British experience is conclusive: Without an adequate system of public assistance, national in scope, on a grant-in-aid basis, or federally financed or administered, unemployment insurance will be woefully inadequate in dealing with unemployment.

A national unemployment compensation system would permit the elimination of the separate railroad unemployment insurance system and the problems of co-ordination (e.g., workers with both railroad and nonrailroad credits) which have arisen in connection with this system. It would also make possible the integration of unemployment compensation and Old Age and Survivors' Insurance administration, at least with respect to tax collections and record-keeping. Undoubtedly, important economies would result from such integration. Needless to say, a national system would also eliminate the problems of interstate coverage for employers and the multistate benefit-payment system. Policy formation on a national basis would permit more rapid action to meet emergency situations. Contrary to much of the loose talk to the effect that a federal-state system is more "flexible" than a national system, a system deriving authority from Congress alone and managed by one administrative agency, appropriately decentralized, could meet changing conditions much more expeditiously than 51 legislative and administrative bodies. The problem created by the Selective Training and Service Act of 1940 is a case in point.

One of the major administrative problems of the state agencies beginning in 1940 relates to the operation of the experience-rating plans. The repeal of experience rating would obviate the burdens of computing reserve ratios annually for all employers, of charging back benefits to the appropriate reserve account, of notifying employers of the benefits charged against them, and numerous related details. Furthermore, the repeal of experience rating would

reduce the number of contested benefit claims which result from employers' efforts to minimize benefit payments to their former workers. Not only would administrative costs, therefore, decline, but the energies and efforts of administrators could be concentrated on the simplification of the benefit-payment process to the advantage of workers and of the unemployment compensation system generally.

It now becomes clear why the major emphasis in the reforms of unemployment compensation, even in view of the inadequacies of the present benefit structure, must not be for the mere "liberalization" of benefits. By confining our recommendations to higher benefits alone, we close the road to higher benefits. We are at that stage in the development of social insurance in this country where we must begin to evolve a theory of unemployment compensation and then relate our practice to this theory. As a starting-point we suggest that the functions of employment security—providing unemployment benefits and facilitating the flow of labor supply through the employment service—cannot be substantially improved until the structure of employment security is substantially improved by the repeal of experience rating and the adoption of a national plan for unemployment compensation and the employment service.

We are realistically aware of the political and technical difficulties which stand in the way of adopting the proposed course of action. Nevertheless, further delay in meeting this urgent national problem cannot be justified. The state organizations at present administering unemployment compensation undoubtedly have a vested interest in the continuance of the existing plan with all of its shortcomings. A national system and the repeal of experience rating would dispel the fears of employers when they find that such a change will benefit them, as well as workers, in the form of reduced costs, simplified reporting, and a more effective employment service. As for the administrative difficulties in the transition period from a federal-state to a national plan, the Social Security Board officials and the experienced state administrators have demonstrated their capacity to deal with the problems involved.

University of Michigan
National Resources Planning Board

JUDICIAL TRENDS IN RELATION TO PUBLIC WELFARE ADMINISTRATION

A. DELAFIELD SMITH

THE local and parochial character of most welfare legislation in the past, the lack of adequate financial implementation, and the absence of an aroused social consciousness have resulted in remarkable scantness of judicial pronouncement. The law's clientele was underprivileged. Resources needed to support a continuing campaign for the establishment of a desirable body of case law were lacking, and organization was inadequate to supply the deficiency. Social scientists in these times have, therefore, had to seek consolation in the fact that they were pioneers in areas where basic issues of law and justice are born. They march, many of them, in the vanguard of the armies of the law. But this is poor consolation if the reign of law is not soon established within the new terrain.

In this situation adequate legal experience and seasoned legal thinking have become an essential aid to those who administer social programs. Counsel in the course of their legal research too often discover that the principles they seek to elucidate and apply have never been interpreted by the courts in comparable situations. Moreover, they suddenly find themselves intimately involved in the current effort to adjust and co-ordinate judicial and administrative functions. They represent an important phase of this conflict, since they are concerned with new forms of social legislation, the effective operation of which has required certain readjustments in this respect. These laws are intended to play a part in creating a new and better social order. Their full import is still but vaguely apprehended. They are of the positive type. They create new rights and draw heavily upon the public revenues to achieve their objectives.

The purpose of this article is not to undertake any detailed exposition of any particular phase of the legal situation. Its purpose is to indicate very briefly the significant interrelation of four aspects of the immediate problem: first, the importance of preserving the

integrity of the administrative process from the disruptive impact of what has been called "judicial administration";[1] second, the desirability of prescribing for this purpose adequate legal remedies which emphasize review and evaluation rather than redetermination; third, the need to concentrate the attention of our judicial interpreters upon the legal issues of deeper significance, issues which reflect the application of basic legal criteria and enduring principles of justice to these new situations; and, finally, the crucial need to develop the judicial process as a phase of administrative routine. This last is an essential counterpart of the attempt to achieve the other objectives and is needed to answer the popular demand for individual justice and equity. Basically this is an agency responsibility. It may not properly be delegated to the courts.

Conceivably the legislative, executive, and judicial functions might be completely divorced in the conduct of a social or other governmental program. The achievement of this result would involve, presumably, the retention by the legislature of the right to make or at least to approve all substantive rules and policies, since rule-making is a legislative function. The task of applying these rules authoritatively in individual cases would be assigned to the conventional courts. There would be left for the executive the purely executive function of carrying out orders and decrees. There would be no need, perhaps, of issuing separate decrees in each individual case. Specific orders might have some general applicability. This point, however, is inconsequential, since in any event executive discretion in treatment would at all times remain subject to direction or correction by the terms of an express adjudication. Under such a scheme actual co-ordination of policy and of its application could occur only in the over-all figurative or symbolic entity that we call "government."

The considerations which have impelled us, on the contrary, to the adoption of the administrative trinity have often been summarized and are familiar. One point, however, needs emphasis. The course followed must be a legal, stable, and consistent policy. A course

[1] Judicial administration in this sense indicates the exercise by the conventional courts of functions which in the ordinary case the agency must in any event perform and which, it is conceived, may appropriately be reserved to the agency exclusively.

whose pursuit is subject to the whim of any individual or group who may prefer the application of a special method or procedure to the exigencies of their own particular situation is demoralizing. Such is the case, for example, when one individual is accorded the right to have his treatment dictated by a judge while another is required, in a similar situation, to apply to the administrator for his relief.

It is urged that the best means of avoiding so potent a cause of administrative disruption is to reserve to the administrator the exclusive right to act in the individual case and to confine the legislature and the courts to their ultimate roles of statutory authorization and legal interpretation. An appeal may properly be made to the courts, and even to the legislature, to outlaw arbitrary rulings, illegal procedures, and jurisdictional excesses. The courts as well as the legislature, however, should feed only the central aqueducts which lead to the administrative reservoir. Neither court nor legislature should undertake to assign a portion of the social benefit to individual use prior to its assembly and allocation by the executive agency. Neither should invade the administrative field.

That the courts are concerned with the individual and his rights is of course true. But the rights of the individual with which the courts are concerned are, in most social and governmental programs, enjoyed in common with a great many other individuals. What the courts say in the case of one individual applies as well to all other individuals whose circumstances are comparable. Misunderstandings concerning the problem of the administrative and judicial relationship spring largely from the prevalent mistaken notion that the courts are concerned only with the particular individual who applies to them for relief. The truth is that the courts are quite as much concerned with the prerequisites to the attainment of relative justice and administrative efficiency as is any other social instrumentality—in fact, the courts more than any other, because the courts themselves wield the effective sanctions by which these prerequisites to efficiency are enforced.

It may be said that the courts have in general graciously accepted the view that the treatment of the individual in a social program should not be accorded under the terms of a specific court order but by administrative order under appropriate judicial safeguards. The

federal-state programs of the social security administration, however, were faced with this basic issue as early as December of the year 1937. That month the Social Security Board was advised of the decision of the Illinois Supreme Court[2] whereby an alleged beneficiary of that state's old age assistance program was adjudicated eligible and was judicially, if not judiciously, awarded a specific sum of money by the court as old age assistance over the protest of the agency. At the time that this information came to the attention of the staff of the board the original decision of the district court had already been affirmed by the highest court of the state in an opinion which held that the proceedings did not constitute a suit against the state, over which it had no jurisdiction, but, to quote its language, the statute "merely authorizes the Circuit Court to hear, *de novo*, upon evidence taken before ministerial bodies and such other evidence as may be produced, the question whether the applicant is eligible to pension and its amount, if he be so eligible." The court in this opinion indicated its acceptance of the jurisdiction thus proffered.

The original opinion was later withdrawn upon the filing of a petition for reargument and was never published. Examination of the brief which was prepared for the court when it agreed to reconsider the appeal will indicate the draftsman's keen appreciation of the import of the decision to the administration of welfare and other social programs. Properly treating the case as one of first impression in the state and pointing out the theoretical and practical divergences in other judicial treatment of this basic issue, the brief sought to establish the essential scope of the executive function in the administration of a social program and to indicate the persuasive reasons for co-ordinating essential powers in the agency to which the responsibility for its administration had been delegated. In its resulting decision the court reconsidered the constitutional issue and declined jurisdiction of the case, stating that otherwise it would of necessity assume administrative or executive functions.

[2] *Borreson* v. *The Department of Public Welfare*, Circuit Court, Macon County, August 17, 1937. Affirmed on appeal Supreme Court of Illinois, October Term, 1937. Opinion by Mr. Justice Stone. Opinion filed December 22, 1937. Upon reconsideration reversed. Opinion by Mr. Justice Wilson, Justice Stone dissenting. February Term, 1938, 368 Ill. 425, 14 N.E. (2d) 485.

The court's opinion reflected the painstaking portrayal in the brief of every discretionary and judgmental factor in the administrative task. The court was thus persuaded to retract its previously expressed views as to the ministerial nature of the particular program, stating at one point in its opinion that, "manifestly, the administration of the ameliorative program of assistance to the aged involves something more than the payment of a specified sum of money to particular individuals." The issue did not relate to the scope of discretion, but, more basically, to the justification for treating the agency as a body exercising other than purely ministerial functions. It is of the utmost significance, therefore, that the court emphasized, as one of the bases of its decision, the availability within the agency of judicial procedures. Full acceptance of the case in this respect involves recognition of the fact that the attainment of justice in either the absolute or the relative sense requires the effective use of the judicial or adjudicative process in actual co-ordination with administrative routines. It is believed the court was unquestionably right. No public or private body, or individual, has ever succeeded adequately in the attempt to achieve justice in the treatment of those with whom he deals without rendering himself promptly and easily amenable in an orderly procedure to the complaints, arguments, and entreaties of all those who believe themselves to be aggrieved. The judicial process is a corrective instrumentality. But from the administrative standpoint it is more than that. It is a constructive force in the formulation of just and equitable policies and effective procedures. There is no equivalent; there is no short cut.

Confronted, then, with the legal and administrative consequences of an overlapping jurisdiction, were the court to substitute its judgment for that of the agency, the judges decided that they must leave the responsibility for factual determination and individual treatment in these programs to the administrative agency under the division-of-powers doctrine, reserving a right and duty to nullify abusive edicts, but, more importantly, to interpret as occasion might dictate the related principles of substantive and procedural law for the benefit of all concerned. Comment on the case indicates the prevailing view that by adopting this course the court

strengthened and dignified the essential prerogatives of the judiciary and pointed the way to a more stable, easily comprehensible, and far more fertile and fruitful distribution of function. This is very important to a social program which hopes to do a great deal of good to a great many individuals. Recent decisions indicate general acceptance of the basic principles involved.[3]

Now the Borreson action was not a mandamus proceeding. The procedure followed by Borreson was indicated by a statutory provision authorizing appeal to the court. In this instance, however, the provision was not scientifically conceived and drafted. It failed to direct the attention of the court to a review of the agency's record and disposition of the case. On the contrary, it authorized a legal proceeding to adjudicate Borreson's rights heedless of all departmental procedure and action. The issue thus framed from the standpoint of the need to preserve the integrity of administrative function was quite similar to the issue which would have been presented had Borreson sought by a so-called mandamus proceeding to have the court order the Illinois department to pay him assistance in a given amount. It will be seen that the form of legal procedure is important here, and, since the subject matter is technical, some clarification at this point is essential.

Our old and much-discussed friend, mandamus, though subject to some statutory enlargement, is, even so, properly a remedy of very limited scope and purpose. It is the legal method by which recalcitrant officials are called upon to perform their unquestionable public duty. If there is any real doubt about the matter upon the law or upon the facts, or if the officer has some discretion in relation to his performance, the writ will ordinarily not issue. Mandamus is not, typically, a review proceeding. To quote from a famous old opinion in the Supreme Court of the United States:

[3] *Schneberger* v. *State Board of Social Welfare*, 291 N.W. 859 (Iowa, 1940); *Rasmussen* v. *Finke et al.*, 207 Minn. 28, 289 N.W. 773 (1940); *Railroad Commission of Texas, etc.* v. *Rowan & Nichols Oil Co.*, 61 Sup. Ct. Rep. 343, 85 L. Ed. 321 (1941); *Great Western Power Co. of California* v. *Industrial Accident Commission*, 196 Cal. 593, 238 P. 662 (1925); *Mantor* v. *Industrial Commission*, 89 Col. 90, 299 P. 11 (1931); *Wallace* v. *Feehan*, 206 Ind. 522, 190 N.E. 438 (1934); in *Campbell* v. *The City of New York et al.*, 244 N.Y. 317, 155 N.E. 628 (1927), Chief Justice Cardozo said, "The Courts do not sit in judgment on questions of legislative policy or administrative discretion."

> The court will not interfere by mandamus with the executive officers of the government in the exercise of their ordinary official duties, even where those duties require an interpretation of the law, the court having no appellate power for that purpose; but when they refuse to act in a case at all, or when, by special statute, or otherwise, a mere ministerial duty is imposed upon them, that is, a service which they are bound to perform without further question, then, if they refuse, a mandamus may be issued to compel them.[3]

Since the availability of mandamus usually involves the assumption that there is no room for the exercise of administrative discretion, successful recourse to this remedy against the agency under ordinary circumstances and in most jurisdictions would properly be regarded as a danger signal. However, since the days of social security at least, the courts have made it pretty clear that the functions of a welfare officer or welfare department are not ministerial and hence are not subject to mandamus except for failure to act, and sometimes for failure, when acting, to remain within jurisdictional boundaries. The granting of a writ of mandamus, or making it peremptory (which is the legal phrase for sustaining the writ), as against welfare officials, has been rare indeed. True, the writ was allowed in the Viles case in Colorado,[4] but only for the traditionally appropriate purpose of requiring the agency to hear the case and to act one way or the other on it. Even courts of law, or at any rate the judges, may be ordered by their superiors to do that. The judgment of the lower court in the Viles case, it may be noted, had ordered that payment of $30 be made each month to the petitioner. That order was expressly reversed. The result in the Viles case is the opposite of what a very superficial glance at the case might indicate. The decision expressly sustained the discretionary character of the administrative function and especially the propriety of its fair-hearing procedures. The court very properly told the agency to apply them in such a case.

Similarly, after the Illinois statutory provision had been stricken by force of the Borreson decision, the same court allowed mandamus to issue against agency officials for a special purpose. The decision

[3] *United States* ex rel. *Dunlap* v. *Black*, 128 U.S. 40, 48 (1888).

[4] *Colorado Public Welfare Board* v. *Viles*, 105 Col. 62, 94 P. (2d) 713 (1939).

in the ensuing Freeman case,[5] however, like that in the Colorado Viles case, expressly reversed the order of the lower court in so far as it carried an award of assistance. The judges were merely of the opinion that the agency unquestionably exceeded its jurisdiction in holding inmates of private institutions ineligible for any assistance just because they were inmates of private institutions. The legislature, the court indicated, had provided otherwise—specifically. A few months later the court expressly confirmed the Borreson decision.[6]

No effective threat to agency prerogatives has therefore stemmed from the writ of mandamus. Some menace to administrative integrity, however, has come, as in the Borreson case, from inappropriate language used in statutory provisions whose obvious purpose was to establish avenues for the exercise of the interpretative function of the courts. This will not be found surprising. The importance of well-conceived and carefully drafted statutory authorizations for judicial review in this field is not questioned by those who are familiar with the traditional immunity of social programs from judicial purview and with the consequent great dearth of precedent affecting the significant issues which governmental programs of a beneficent nature are now raising.

However, appropriate statutory provisions for appeal to the courts are not properly, nor are they generally, conceived as a broadening of the mandamus jurisdiction. They are for the most part a form of certiorari by which the courts may be invoked to review for certain purposes the official record of the acts and proceedings of bodies having discretionary functions, especially when these functions extend to a properly implemented fair-hearing procedure. Properly availed of, the writ of *certiorari*, which may be adapted by statute to meet the needs of a particular situation, harbors no threat to the discretionary prerogatives of the administrative agency. Its use is usually contingent upon prior recourse having been sought to the administrative judicial procedures. Agency judicial functions may thus gain

[5] *State* ex rel. *Freeman* v. *State Department of Public Welfare et al.*, 368 Ill. 505, 14 N.E. (2d) 642 (1938).

[6] *Brown* v. *State Department of Old Age Assistance*, 369 Ill. 543, 17 N.E. (2d) 221 (1938).

respect not only for the authoritative aspect of their circumstantial findings but also for the authoritative character of their social-legal interpretation and application.

Failure to safeguard the agency's prerogatives in drafting these statutory provisions, however, may be devastating in its effects. Attention has already been called to the Illinois provision sought to be availed of by Borreson. In that case the legislative provision assigned no weight whatsoever to agency acts and findings. The majority of the court did not attempt to characterize the proceeding in the published opinion except to say that its authorization was unconstitutional. It is interesting to note that Judge Stone in his dissenting opinion sought to sustain the proceeding by comparing it to a writ of *certiorari*, which, as above stated, is the appropriate method of reviewing the record of a body exercising discretionary or quasi-judicial functions. Judge Stone's remark to the effect that even "mandamus" would have issued "in a proper case" to secure the relief sought by Borreson was gratuitous. The judge did not indicate in this dissent what for him would have constituted a "proper case."

In certain states, moreover, of which Missouri and Washington were leading exponents, the dignity of the courts, the agencies, and in the mêlée the programs themselves, came near being sacrificed to a series of legal proceedings under legislative authorization that threatened to transfer fair-hearing procedures to the halls of the conventional courts. In Missouri this trend was abruptly terminated when the legislature adopted an amendment, substantially in the form suggested by the agency, which preserved the administrative sphere of action and yet, it was believed, cleared the road for the answering of more important questions by the courts.

The amendment reads in part as follows:

> The State Commission, upon a denial of benefits to the applicant, shall, upon request, furnish said applicant with proper form of affidavit for appeal from the said Commission to the circuit court of the county in which the applicant resides. . . . . Such appeal shall be tried in the circuit court upon the record of the proceedings had before and certified by the State Commission, which shall in such case be certified and included in the return of the State Commission to the court. Upon the record so certified by the State Commission, the circuit court shall determine whether or not a fair hearing has been granted the individual. If the court shall decide for any reason that a fair hearing and determi-

nation of the applicant's eligibility and rights under this act was not granted the individual by the State Commission, or that its decision was arbitrary and unreasonable, the court shall, in such event, remand the proceedings for redetermination of the issues by the State Commission.[7]

To comprehend this situation in Missouri, one need only read the opinion of the court in the Redmon case.[8] This case was one of a number in which opinions were rendered by the courts of that state after the 1939 amendment to the state Old-Age Assistance Law. The court said:

Under the 1937 Act the court heard the evidence as in plenary equity suits, and determined the facts according to the evidence adduced before it. Under the 1939 Act the appeal must be heard upon the same evidence that was presented to the Commission, and the court was limited to determining, (1) whether or not a fair hearing had been granted to the applicant; and (2) whether the decision of the Commission was arbitrary and unreasonable. It had no jurisdiction or authority to determine the weight of the evidence.

The court also said:

Under the 1939 Act, the finding of the Commission is placed upon the same basis as a finding by the Workmen's Compensation Commission, and the court, on appeal, did not have jurisdiction to determine the facts for itself, and could not substitute its finding for that of the Commission. The finding of the Commission is supported by substantial evidence and the court is concluded by such finding.

In Washington the jurisdiction of the district courts, though frequently invoked, was for the most part appropriately limited through the co-ordinating force of the rulings of the highest court. At that stage, however, the initiative petition, known as Washington Initiative Measure 141, was adopted by the electorate at the polls in November, 1940. This measure was drafted by a group who sought to narrow in certain respects the inquisitorial powers and purview of the state department and also to establish a new standard of old age assistance in that state. However, since the law purports to authorize the court to elicit, determine, and evaluate facts relative to individual eligibility and to make awards, the related statutory provisions patently violate the principles already enunciated. The attorney-general of the state conceives them to be unconstitutional.

[7] *Missouri Laws of 1939*, sec. 16, p. 737; *Mo. Stats. Ann.*, sec. 12967*b*–16, p. 7478.

[8] *Redmon* v. *State Social Security Commission*, 143 S.W. (2d) 168 (1940).

It is to be hoped that the courts will sustain the conclusions of this opinion. This hope finds additional justification in the fact that the line between judicial review and judicial administration has recently been restated in comparable terms by the Supreme Court of the United States.[9]

Mr. Justice Frankfurter's opinion in the latter case emphasizes the importance of the record of agency evidence and findings in upholding the integrity of administrative expertise and discretion. He said, in part:

> Indeed, we are asked to sustain the district court's decree as though it derived from an ordinary litigation that had its origin in that court, and as though Texas had no expert Commission which already had canvassed and determined the very issues on which the court formed its own judgment. For it appears that the court below nullified the Commission's action without even having the record of the Commission before it.

It might be suggested at this point that, if welfare statutes provided for the review of agency decisions by appellate courts, or at least by intermediate courts of appeal, and eliminated for the most part review by courts of primary jurisdiction, the situation would be greatly aided. This practice is applicable to the situations under discussion, since the case record has been formulated within the agency and lower-court procedures are not essential. Since laws and policies of uniform operation throughout the state are in question and since the interpretative function of the court on a social issue is mainly invoked, the expense and waste of time and effort involved in securing preliminary action in county courts might be avoided.

From what has already been said, however, it should be clear that substantial progress has been made toward the resolution of these basic issues. Yet every new employment of the administrative agency has raised new problems in terms of the degree to which the courts may deem it appropriate to recognize the discretionary and judicial phases of its operation in a review proceeding. The reader, for example, will have noticed the use of the phrase "administrative judicial procedure," or some equivalent, in referring to this phase of the administrative function. The term "administrative law" is, of course, mainly used to describe the body of principles applied by the

[9] *Railroad Commission of Texas, etc.* v. *Rowan & Nichols Oil Co., supra.*

conventional courts in their evaluation and review of administrative action and procedure. Although this appropriation of a meaningful expression for technical purposes may seem unfortunate to many, it seems clear that some other phrase, such as "administrative justice," must be used when we wish to refer to the use of the judicial process in administration. For a similar purpose the courts have yielded us only the term "quasi-judicial." In this fashion they have appeared to suggest that they themselves are the only authoritative interpreters of the law. We are gently reminded that until recent times all appeals to legal sanction had to be directed either to the king's justice or to his chancellor, and that our "day in court" was obtained only in answer to the familiar cry of the bailiff, "Hear ye, hear ye, hear ye! Draw near, give your attention and you shall be heard."

This basic element of conflict is fully as resilient as Banquo's ghost. Reorientation of the interpretative function of the courts and of the appropriate method of invoking their jurisdiction accompanies every resurgence of the issue. These developments occur more or less concomitantly with the agency's deepening appreciation of its own essential prerogatives and accountability.

Although the welfare programs could not escape this issue, it became highly important for them to meet it satisfactorily, for the functions of the modern welfare agency involve another factor even more persuasive. This factor relates to the managerial authority and responsibility needed to insure substantial justice and equity in the treatment of the numerous beneficiaries of their interrelated and very extensive social programs.

One who would gain a notion of the potential reach of the administrative discretion of welfare agencies in view of their managerial responsibilities must read other recent cases, such as the Dean case in Montana.[10] The language of this opinion is unusually broad, yet it would seem the situation as a whole may have been greatly aided by this pronouncement. The Montana court permitted the agency to decide,

> . . . . whether it would be wiser for it to pay full quotas and prematurely expend most, if not all, of the entire fund appropriated for the given period, or whether the needy aged now qualified to receive payments, and the ever increasing num-

[10] *State* ex rel. *Dean* v. *Brandjord et al.*, 180 Mont. 447, 92 P. (2d) 273 (1939).

ber of prospective recipients who may qualify later, would be more equitably and effectively assisted by the general reduction inaugurated by the board.

This, said the court,

. . . . is solely a question of administrative discretion vested exclusively in the board and its administrator.

A concurring opinion said:

The obvious purpose was to provide for all the persons affected, and not for a favored few. It is much more consistent with the humane and enlightened purpose of the Act, to hold that where the funds for the fiscal period are insufficient the legislative intent in entrusting the supervisory powers to the State Board, was to minimize any hardship by an equitable apportionment of the fund.

Even this was not all. The court also informed the agency that the state law was not to be operated by it as an independent act but that the two acts—the state law and the Federal Social Security Act—"must be administered together as a unified code of laws enacted by Congress and the State legislature for the complete and comprehensive control of the subject."

The recent decision of the Colorado court in the Redmon case[11] is also significant from this standpoint. The court sustained the agency's adaptation of the $45-minus-income standard of old age assistance in view of the inadequacy of its financial implementation. The result is, in effect, a $45-minus X dollars-minus income law. Eventually we may get what we are looking for in this area—a reasonably determinate guide but not a formula of inadaptable rigidity.

Those who say that the attitude of the courts toward the decisions of welfare administrators and toward the administrative function in the field of welfare has not changed fundamentally in recent times must be prepared to explain whether the original or reconsidered view of the Illinois court accords more nearly with the traditional attitude of the judiciary and whether in the light of the Montana case it can properly be said that the judicial role has not required reinterpretation of late in order that due cognizance might be taken of the increasingly managerial character of administrative responsibilities.

[11] *Fairall et al.* v. *Redmon et al.*, Supreme Court of Colorado, 110 P. (2d) 247 (1941). (To be distinguished from the "Redmon" case in Missouri, *supra*.)

More and more the courts are stressing the ideal of co-operation between the agencies and the courts in attaining legislative objectives. Witness Mr. Justice Stone's already classic language in one of the Morgan cases.[12] He said:

> . . . . in construing a statute setting up an administrative agency and providing for judicial review of its action, court and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. Court and agency are the means adopted to attain the prescribed end, and so far as their duties are defined by the words of the statute, those words should be construed so as to attain that end through coordinated action. Neither body should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated if must be, but never to be encouraged or aided by the other in the attainment of the common aim.

The milestones already passed in the field of welfare, therefore, are not as significant from the standpoint of the particular issue for which they may indicate a solution as they are from the standpoint of the impetus they may give to the gradual fulfilment of the two outstanding needs of our present situation. These are: first, the development of the judicial administrative process under the benign favor and impelling influence of the courts; second, the development of some much-needed case law clarifying the crucial legal issues to which these new programs give rise. The problems we have in mind affect the rights not of one single individual but of thousands of individuals.

The need here is sufficiently urgent to justify measures calculated to prevent the time and attention of the courts from becoming engaged with what are, properly speaking, administrative responsibilities. We should remember that an influential phase of the modern administrative agency's development was induced by the fact that the available courts, even with greatly simplified procedures, were not adaptable to the assembly line. In fact, agencies were established for the express purpose of achieving a broader, more effective, and less costly administration of justice in widespread areas of social

[12] *United States* v. *Morgan*, 307 U.S. 183, 191 (1939).

need and public concern than appeared possible through the use of the custom-made models of the conventional court. The courts were available, but not as dispensers of this kind of justice or of any kind of justice on the required scale.

The more profound legal issues, however, which result from the imposition of a new social philosophy upon an old social-legal structure are gradually making their appearance. There are, of course, many important reasons for the delay in the emergence of these more basic issues and their temporary subordination to the more superficial questions involved in the daily routine of statutory construction. The fact remains that social programs are seriously handicapped by lack of legal development, by the inapplicability of existing legal precedents, and by the dearth of precedent generally.

It is clear, for example, that a number of these expansive new statutory structures in the field of social and personal right and privilege have been constructed in social areas generally unfamiliar to the conventional courts of law. They differ from regulatory legislation passed to modify rights with which the courts have long been concerned. In fact, the applicability of the great constitutional principles for the protection of individual and minority rights has sometimes in the past been denied or brought in question in analogous situations. In certain instances, for example, the analogy of a public dispensation to an act of private philanthropy and charity has influenced the court. Thus it has been said:

> It is not necessary to support such a law that the claimant be given notice and a hearing by the commission, since technically a pension is a bounty, or gratuity .... and the Legislature may pursue its own course in fixing the machinery for determining those to whom it is granted, and due process does not exist.[13]

Legislation has thus been necessary to establish the applicability of this basic principle to the new social programs, that they may indeed be administered on a basis of individual right. Such, indeed, is the significance of the requirement of due process; yet a popular demand expressed in specific statutory provisions was needed to insure observance of the principle in the operation of these new laws. Discussions of the applicability to these programs of this and other basic

[13] *Helms* v. *Alabama Pension Commission et al.*, 231 Ala. 183, 163 So. 807 (1935).

legal concepts, especially the equal-protection-of-the-law principle and other constitutional guaranties, will inevitably appear more and more frequently in judicial opinion.[14]

It should also be remembered that the legislature is privileged to establish authoritatively and, for the most part, finally, the facts which justify taxation and the allocation of the resulting revenues to specific objectives intended to advance the general welfare as a public purpose.[15] No doubt this rule is needed to maintain the tempo of social progress. However, the courts have not had the opportunity which a different tradition would have afforded them to weave basic legal strands into the fabric of social programs. The particular issues of constitutionality which the federal-state program of unemployment compensation and the old age insurance program presented to the Supreme Court of the United States, for example, were in certain aspects unique, but they were significant heralds of a new day.

The degree to which current social philosophy and developing social attitudes are interpreted in legal opinion depends, among other things, on the extent to which the particular area of conflict gives rise to issues regarded by the courts as their concern. This is an important consideration in evaluating the law's contribution.

The intermediate situation is a difficult one for the lawyers. It is a commonplace for the legal advisers of a social agency to have to answer from hour to hour questions of vital and practical concern to these new programs without the benefit of precedents other than those which can be developed on the basis of the most theoretical

[14] Familiarity with the trend of recent judicial pronouncements is essential to conviction on this point. The author believes that recent legal and judicial opinions in the course of analyses of welfare statutes and regulations evidence increasing concern with their conformity to such underlying legal concepts. Cf., for example, *Dimke* v. *Finke, Director of Social Welfare*, 295 N.W. 75 (Dec. 6, 1940); *People* v. *Lyons*, 374 Ill. 557 (Adv. Official Citation), 30 N.E. (2d) 46 (1940), relating to the constitutionality of the state residence limitation; *Opinion of the Attorney General of Minnesota*, August 5, 1939, and cases cited holding it unconstitutional to exclude children from the assistance program because their parents are aliens. Cf., also, *In re Chirillo et al.*, 283 N.Y. 417, 28 N.E. (2d) 895 (1940); *Sweeney* v. *State Board of Public Assistance*, Case No. 381 (Dis. Ct. of U.S. for Middle District of Pa.) (Dec., 1940) upholding the state's so-called "Unit Budget" rule attacked as in violation of the Fourteenth Amendment.

[15] The considerations affecting this policy are discussed at some length in *Green* v. *Frazier*, 253 U.S. 233 (1920).

and highly conditioned analogies. Even when formulated in a related branch of the law, whether it be the law of guardianship, of the employee-employer relationship, of familial obligation, or of any other that might be named, many such analogies are misleading because they involve wholly unrelated circumstances. Restrictive rules of inheritance and property distribution, criteria of employment inapplicable to a public program, and ancient rules of family law are obviously of little help in orienting legal thought with respect to the application of these new statutes.

A lawyer may readily accept as a general proposition this thesis with respect to the need for development of modern case law in the field of welfare, but remain critical of any attempt to demonstrate its truth by illustration. However, recognizing the law's basic demand for reasonable classification, for example, one may venture to suggest that the courts may find in the future many occasions for indicating the law's potential squeamishness in this respect as applied to the coverage of social programs. To what extent should it be permissible to pick and choose at random in dispensing public assistance? To what extent does the equal-protection principle apply? Can you exclude persons otherwise eligible because they have hitherto been on relief for three months, because they live in two rooms rather than three, or because they are children of aliens? Can a state constitutionally exclude Indians from welfare programs?[16] To what extent must the equities be taken into consideration in defining the scope of these costly programs?

The recent Chirillo case in New York[17] recalls the urgent need for reorientation in the law of settlement and in relation to the prejudice to residence qualification that may result from intermediate receipt of assistance from the state. Another example of needed precedent, much more general in its application, may be found in the law of privilege. When the legislature has established a legal privilege in relation to confidential information communicated to welfare authorities, as is presently being done on a wide scale, it remains for the courts to determine to what extent they will lend it their sanction

[16] Cf. *Beltrami County* v. *Jennie Fairbanks* (Minn. Dis. Ct.) (December, 1940), which, however, merely construes existing law.

[17] *In re Chirillo et al., supra.*

against the strong demands of unrelated programs and of private litigants for access to these privileged communications.

One may also venture the prediction that changing social practice and new legislation affecting the care and nurture of children will have an increasing and very basic influence on the law of guardianship. Whatever the subject involved, however, the courts will continue to take their cue from the legislature in recognition of its traditional function. The availability of adequate and appropriate methods and opportunities of appeal to the courts for purposes of interpretation and clarification should therefore be provided for in these statutes. The point sought to be stressed is that these methods should be of a sort that will reasonably assure due respect for the agencies' efforts to develop justice administratively and should also provide adequately for the contribution of administrative experience to the interpretative art.

When all is said and done, however, justice for the majority of individuals affected by these laws will be sought finally and authoritatively before the administrative tribunal. Of the two great needs of the present situation, therefore, that which pertains to the betterment of administrative judicial procedure appears the more urgent. For this reason the staff of the Social Security Board have earnestly sought to develop a sound statement of the basic principles involved in the application of due process to the security programs. The principles included in the released statement[18] are those which law, on the one hand, and sound social practice, on the other, appear to justify from the standpoint of their desirability and feasibility at the present stage. This statement, approved by the Social Security Board, has been duly promulgated and is believed to express a reasonable standard with which administrators may compare and evaluate their own procedures.

It would be difficult indeed to avoid the evidence of a more precatory attitude in the closing paragraphs of this article. The lawyer wonders, as each new case arises, freighted as most of them are with elements of emotional appeal, whether the courts in their review will be sufficiently impressed by the agency's attempts to adopt a

[18] Social Security Board, *Principles and Standards for Fair-hearing Procedure in Public-Assistance Administration.* January 8, 1941.

procedure that is judicially "fair" and to act "reasonably" in meting out justice, or whether the judges will be constrained, perhaps, to disregard the whole procedure as unworthy of the name of justice. Fortunately, tradition comes here to the protection of the agency with compelling force. As long as any administrative procedure capable of being called judicial is available to the individual, he is held duty bound to have recourse to that procedure before appealing to the court. Many relevant cases upholding this rule will be found collected in the Thompson case in Oklahoma[20] where the court, quoting from an equivalent California decision known as the Abelleira case,[21] said:

> This is the doctrine of "exhaustion of administrative remedies." In brief, the rule is that where an administrative remedy is provided by statute, relief must be sought from the administrative body and this remedy exhausted before the courts will act. The authorities to this effect are so numerous that only a few of the more important ones need be cited here as illustrations [citing many cases]. . . . .
>
> The rule itself is settled with scarcely any conflict. It is not a matter of judicial discretion, but is a fundamental rule of procedure laid down by courts of last resort, followed under the doctrine of *stare decisis*, and binding upon all courts. We are here asked to sanction its violation, either on the ground that a valid exception to the rule is applicable or that despite the uniformity with which the rule has been applied, it may be disregarded by lower tribunals without fear of prevention by the higher courts. This last point cannot be too strongly emphasized, for the rule will disappear unless this court is prepared to enforce it. To review such action of a lower court only on appeal or petition for hearing would permit interference with the administrative proceeding pending the appeal or hearing, with the effect of completely destroying the effectiveness of the administrative body. The writ of prohibition can alone operate surely and swiftly enough to prevent this unfortunate result; and only if we recognize that the rule is jurisdictional will it be uniformly enforced. Bearing in mind the analysis of jurisdiction which has heretofore been made, and examining the authorities dealing with the rule, we are necessarily led to the conclusion that exhaustion of the administrative remedy is a jurisdictional prerequisite to resort to the courts.

The significance of this Oklahoma case, amply fortified as it is by judicial authority, lies not so much in the restatement of this legal

[20] *Oklahoma Public Welfare Commission, etc.* v. *George M. Thompson*, 105 P. (2d) 547 (Sept. 17, 1940).

[21] *Abelleira et al.* v. *District Court of Appeal*, 102 P. (2d) 329 (1940).

rule as in the fact that the rule was applied by the court under the peculiar circumstances related in its opinion. A local official, it appears, had advised the plaintiff prior to the institution of his action that "if conditions had not changed there was no use of a rehearing or of further investigation—that he [the plaintiff] was off the roll and would stay off." Refusing to be misguided by this exhibition of prejudice on the part of a public official, the court pointed out that the remark emanated from one who, although employed in the program, was not entitled to speak authoritatively as to the efficacy of an appeal to the agency's judicial panel. The official in question, it was held, had no power to waive the agency's prerogatives. Another less formidable argument founded on the mere fact that the agency had appeared to defend the action itself, on its merits, was given the slight consideration it deserved. The agency must be suffered to defend itself without prejudice.

In the absence of the legal sanction thus afforded, the agency could not, of course, as the court pointed out, maintain its procedures in the presence of any widespread desire to short-cut them. But the agency needs far more from the court than recognition of its bare right to require initial recourse to its procedures. It must in the long run gain judicial acknowledgement of the fairness of its methods, of the impartiality of its treatment, and, more important still, of the reasonable accuracy of its determinations based on its own specialization of function and experiential background. Obviously, this recognition must extend into the areas of its social and legal interpretation, since constant concern with related problems will usually lead one to the soundest and most consistent course possible under all the circumstances.

The court, on the other hand, apart from its knowledge of the relevant statutes and governmental organization, is limited in its purview to the certified record. The court's range of vision is thus restricted and the picture itself highly conditioned. This, however, is not unfair to the agency, nor is it prejudicial from the standpoint of the law. The record has been constructed or reconstructed in the agency's own review unit. All its knowledge, techniques, and experience should have contributed to its formulation. The court should thus be enabled to concern itself with the application of its

peculiar competence in terms of the basic law, common or constitutional, substantive or procedural, and of the history of its concern with related social issues. Its desirable conservative influence is best exemplified in its ability to refer the current issue to enduring social objectives.

Obviously, however, the opportunity for self-evaluation and self-criticism which administrative judicial procedure presents to the agency is by no means limited to those few instances in which it may encounter the judiciary. The agency will doubtless welcome the opportunities afforded by its successive reviews to examine meticulously related phases of its functioning. One such occasion may be as useful as another for measuring the achievement of competence since allowance can be made for unusual factors.

On one point, however, the legal profession is adamant. Lawyers insist that when it comes to the exercise of the judicial and interpretative faculty, the mind needs the stimulation afforded by the presentation of conflicting points of view. Throughout the years judges and lawyers have consistently so ruled, declining ordinarily and except in great emergencies to pass upon potentially controversial issues until they have been appropriately presented in bona fide cases where the facts are real and not fictitious and when all parties in interest have been accorded adequate opportunity to present their views and demands.

It is accordingly urged that administrative surveys, test checks, and other similar devices for determining administrative efficiency and establishing needed controls are appropriately supplemented by these judicial procedures. They throw a searchlight upon the operation of executive orders and decrees in critical cases. Needless to say, the techniques of factual presentation for such a purpose need to be so effective that no really pertinent circumstance will escape consideration. The result of contested cases must furnish the measuring rod by which the staff will be guided as long as basic policy remains unchanged.

With like consistency of ruling, furthermore, the judiciary has sought to maintain the objectivity of the material bases of judicial decision. They insist that the decision must not be dictated by underlying presumptions of an undemonstrable or subjective charac-

ter, or by undisclosed evidence which the individual is unable to rebut because ignorant of its existence or potential influence. On the other hand, the right of the triers of fact to evaluate such basic factors as credibility and the potentialities of individual interpretation and the right of an administrator, in reaching decisions, to utilize his discretion consistently with the objective record should not be confused with the use of concealed evidentiary material.

Instances will arise when a conflict between the social worker's standards in protecting handicapped or mentally ill patients in relation to their own understanding of their condition may appear to conflict with the legal concept requiring relevant evidence to be made available for inspection. Such instances should be extremely rare, and their solution will be found if the conduct of the hearing is left in the hands of a mature, discriminating, and experienced person. Although recognizing the possibilities of individual difficulty and even harm, the Board's statement of standards is directed to the broad objective of safeguarding basic individual rights; it is for that reason that the standards are unequivocal in requiring availabilty of evidence to the inspection of the applicant or recipient.

In keeping with the basic purposes of this brief survey, a word should also be said regarding the need for the adequate reporting of individual decisions. The judicial process when precedents are properly recorded and reported is a powerful influence in the coordination of policy and treatment. In addition the increased scope and standardization of welfare programs, the resulting added significance that may be attributed to the resolution of any one of the many controversial issues they involve, the very fact that the states individually and as a body are breaking new terrain and exerting great influence on the law, pressing constantly for new adaptations of ancient principles of justice—all these and many other similar considerations indicate the need for an adequate reporting system. Development of the techniques essential to draft and report effectively and comprehensively the decisions as they are reached will require time and practice. Gradually, however, there should come into being a basic reservoir, tributary to a new system of conventional case law in this field.

In summary it should be said that the demand for administration

under guidance of law and for assurance of equitable treatment in individual cases is strong and urgent. Administrative management and executive discretion are being oriented to attain the objectives of this demand. In consequence we need to know the law of our new social programs. This "law" will, and properly should, be formulated in the first instance by and within the agency. Out of the conflict—for such it needs must be—between the thinking of administrators and social scientists exemplified in administrative precedents, on the one hand, and the vast accumulated experience of social philosophy and history, mirrored and reflected in the concentrated pages of the conservative law, on the other, must come the stable and enduring evidence of our social progress.

FEDERAL SECURITY AGENCY
WASHINGTON, D.C.

SOCIAL WORK AND NATIONAL DEFENSE[1]

WAYNE McMILLEN

LIFE in America today is characterized by crisis psychology. Every day—almost every hour—brings forth its new and breath-taking development. We are attempting not only to mobilize our industrial and military resources but also to work out a complex problem of community organization to deal with the human needs that are a by-product of the emergency effort.

My purpose is to discuss with you this latter effort—the effort to organize our social resources in such a way as to prevent the wastage of our human resources and to alleviate the suffering we are unable to prevent. I undertake this assignment with considerable trepidation. The scene is changing almost from hour to hour. I cannot guarantee that what I say today will be entirely true tomorrow. As a matter of fact, I cannot be absolutely sure that what I describe now may not be different this very moment because of some change in plan agreed upon today. I can only share with you the outlines of the picture as I believe it to be and hope that I shall not be guilty of too many misstatements.

I shall speak first of the various appeals that have been made and are being made for overseas relief. Some of you will remember the chaos that characterized those activities in the war of 1914–18. Many competing organizations sprang up that were really hoping to serve the same groups of sufferers. Inevitably there were some cases of racketeering also—groups that played upon humanitarian impulses in order to reap a rich harvest for themselves. The National Information Bureau dates from that period and is still in existence. Many of you know of its work. It investigates appeals that are international, national, or interstate in character to determine whether they are trustworthy. It still publishes each year a

[1] An address delivered March 21, 1941, at Scarritt College, Nashville, Tenn., under the auspices of Scarritt College, the Nashville chapter of the American Association of Social Workers, the Nashville Federation of Settlements, the Social Service Club, and the American Association of Leisure Time Educators.

bulletin entitled *Giver's Guide to National Philanthropies* as a means of helping individuals and communities to distinguish between those appeals that merit support and those that are sponsored by worthless or dishonest organizations.

In this present war, organizations that wish to give relief overseas soon find themselves at the door of our State Department in Washington. Relief operations overseas are more difficult now than they have ever been in the past. As you know, some belligerents take the position that the distribution of relief in subjugated or war-ridden countries is an indirect means of feeding and giving aid and comfort to the enemy. The Secretary of State is charged with the conduct of the foreign affairs of this country. If food has come to be regarded as one of the munitions of war, he cannot permit shipments to be made hither and yon without his knowledge and consent. Moreover, there is the very practical problem of obtaining bottoms in which to send these supplies overseas. For these reasons the international relief organizations must clear with the Department of State.

Under a joint resolution of Congress[2] adopted November 4, 1939, the President was empowered to issue rules and regulations governing the collection of funds for overseas relief. The President in a proclamation of the same date named the Secretary of State as his agent to carry out the purposes of the resolution. The Secretary of State immediately issued regulations requiring every organization collecting funds for overseas relief to register with the Department of State. The records of such organizations must be made available for inspection by the Department, and monthly reports must be submitted. The Secretary of State has power to refuse or to revoke registrations in the case of any organization that fails to comply with the regulations. The requirements for approval are as follows: (1) an active and responsible governing body serving without compensation; (2) satisfactory administrative control by the governing body; (3) a competent and trustworthy treasurer to handle the funds; (4) ethical and economical methods of money-raising and of publicity; (5) reasonable efficiency in the conduct of operations. The American Red Cross, because it was originally chartered by Congress and because

[2] Public Resolution, No. 54 (76th Cong., 2d sess.), sec. 8.

its accounts are audited annually by the government, is the only agency exempted from these requirements.

Since the outbreak of the war in September, 1939, a total of 435 applications have been received and accepted by the Department of State. Of this number, slightly over 300 registrants are now active. At the suggestion of the Department of State many of the persons and organizations interested in aiding sufferers abroad have joined forces with organizations already registered. This has, of course, reduced somewhat the duplication and the confusion in the field. The amounts collected by these numerous organizations between September 6, 1939, and January 31, 1941, totaled $23,519,852.43. Of this amount about five and a quarter millions remained on hand at the end of January, 1941, in the form either of cash or of supplies purchased and not yet shipped. Overhead expenditures amounted to about 9 per cent of the total collected. The figures quoted above include, of course, neither contributions to nor expenditures by the American Red Cross.

With more than three hundred organizations currently active in the field of overseas relief, it seems no exaggeration to say that the problem of community organization in this area remains largely unsolved. Of course, many of these three hundred organizations are very small, and others are little more than local groups that want to send their charitable contributions to some particular place, such as Poland or Luxembourg. Purposes and methods also vary widely. Some groups propose to care for orphans only. Others desire to give assistance to all types of needy persons. Some propose to assist the sick and destitute in one country only. Others include a half-dozen or more countries in their program. Some collect their funds through appeals sent through the mails. Others organize committees and conduct active campaigns in several cities or states. Plans are now afoot to launch this spring a nation-wide campaign for ten million dollars for British relief. If this drive is launched as now planned, it will be, I believe, the most sizable single campaign thus far undertaken for overseas relief in a single country.

The outlines of this problem are fairly clear. Just what should be done about it is far less clear. Under the section of the Neutrality Act already referred to, the President has more power over these

drives than he has thus far chosen to use. Obviously no one wants to be placed in a position where he might be charged with suppressing legitimate humanitarian impulses. Yet it is clear that the situation with respect to overseas relief is chaotic, that there is duplication, overlapping, and inefficiency. It is likewise clear that only a federal authority can bring order out of the chaos.

It is reported that a committee waited upon the President recently to discuss this problem with him. He recognized the seriousness of the situation but preferred to attempt first to improve matters through use of the conference method. Moreover, he was aware, not only that duplication existed among the agencies interested in overseas relief, but also that the overseas drives should be co-ordinated with campaigns for local charities and for war-camp activities. Accordingly, on March 13, 1941, he appointed a three-man committee to undertake this task. The chairman is Mr. Joseph E. Davies, former ambassador to Russia. The other two members are Mr. Charles P. Taft, Cincinnati attorney and son of the former president, and Dr. Frederick P. Keppel, president of the Carnegie Corporation of New York. The function of this committee is "to examine the entire problem and make recommendations." The text of the letters of appointment suggests, however, that, in the meantime, pending the formulation of recommendations, the committee is expected to make efforts to reduce present confusion through conference and the working-out of voluntary agreements.

The National Information Bureau, as I have said, is one of our inheritances from the last war. We sometimes forget that we also have reminders of the last war in our local communities. Our present community chests, as a matter of historical fact, are an outgrowth of the old war chests of the World War period. Some of you may remember the circumstances that led to that development. Enormous amounts of money were being raised in those days in gigantic nation-wide drives. The American Red Cross, the Y.M.C.A., the Knights of Columbus, the Salvation Army, and others were engaged in far-flung war activities and were asking the people for money to support these ventures. The result was a multiplicity of campaigns that was confusing to the people and disruptive of community life. For, in the final analysis, it was largely the same groups

of donors who contributed most of this money, and it was also often the same groups of citizens who were asked to take time from their normal work to organize these campaigns and to conduct the solicitation.

The war chest came into the picture as a means of improving this situation. The idea was to have a single, large campaign for funds in the community. A local group was then empowered to make appropriations from this fund to meet the city's legitimate quota for the various war-work groups. The relief that this arrangement brought to overwrought and overworked citizens was not forgotten. As a result, community chests rapidly sprang into being throughout the country in order to apply to peacetime philanthropies the plan of organization that had, on the whole, worked so successfully in time of war.

So far as I have been able to determine, only one city in the country has thus far created an emergency organization similar to the old war chests. That city is Houston, Texas. I am told that Houston has formed a war chest to raise money for the various war appeals. The group in charge of this venture will raise funds for approved appeals, will pass judgment on the quotas assigned to Houston, and will discourage contributions to unapproved projects or agencies. Whether we may expect to see this movement spread to other cities, I am unable to say.

At the present time there appears to be great confusion everywhere. Campaigns are organized and appeals are launched with little or no clearance with one another or with local agencies. Inevitably these drives affect the ordinary annual drives conducted by community chests and other agencies for the support of the community's established social agencies. Everyone would agree, I think, that the local social services should not be permitted to disintegrate because of the competition of war-relief drives—especially since it is by no means clear that all these war drives are needed or that their sponsors will be able actually to ship food and supplies to the people they hope to serve. The home front is the real front, as the amazing collapse of France demonstrated. All our leaders have told us, from President Roosevelt on down, that this is no time to relax local standards. It is, on the contrary, the time to strengthen the services

that are a visible token of democracy's desire to be mindful of the needs of the individual man or woman.

It is very difficult, as I have said, to get bottoms in which to ship needed food and medical supplies to the sufferers abroad. Let me quote a few facts that relate to this question. The American Red Cross conducted a nation-wide campaign for funds for overseas relief in May and June of last year. This campaign produced something over $22,000,000. An additional $50,000,000 was made available by Congress for relief activities overseas. The congressional appropriation was not, however, a cash appropriation. Congress authorized the President to requisition surplus commodities in the amount of $50,000,000 and to distribute these commodities through an agency selected by him. The President designated the American Red Cross to take charge of this distribution. Up to the present time only $6,000,000 worth of these commodities have been sent abroad.

Out of the $22,000,000 raised last year by voluntary subscription, the Red Cross has thus far spent roughly half. In other words, about $11,000,000 is still available to carry on relief work overseas. Of the amount spent, roughly 80 per cent has gone to England. The remaining 20 per cent has been spent in Finland, Greece, and China. All available evidence suggests that there is urgent need in the war-ridden countries for food and medical supplies. It does little, if any, good merely to cable money to these peoples. What they need is actual food and, of course, medical supplies. The real problem is to obtain shipping facilities. There can be no doubt but that the resources available for overseas relief would have been much more completely expended by this time if it had been possible to obtain bottoms in which to send the needed supplies abroad. The striking fact is that about $50,000,000 is available in money and supplies at this very moment for relief work abroad and that about 80 per cent of all that has been sent has gone to England. Yet we are facing now the prospect of another campaign for $10,000,000 for British war relief.

Now, the point I have been trying to bring out may perhaps be stated as follows: There is undoubtedly a genuine desire on the part of the American people, not only to relieve suffering among the peoples in the war-ridden countries abroad, but also to provide for

the social needs of those at home whose lives have been disrupted by the defense emergency. But the plain fact is that we are not organized, either nationally or locally, to do this in the most efficient manner. Nationally, we need some kind of co-ordinating and licensing agency to regularize national appeals. Perhaps Ambassador Davies and his committee will evolve a plan to accomplish this. Locally, also, we need to tighten up our co-ordinating machinery. In some cities we can perhaps look to our local council of social agencies or to our local community chest to exercise leadership in this field. The objective to be sought is fairly clear. We want to do our share to help meet legitimate needs. We do not want to go in on campaigns that duplicate one another. We do not want to raise funds unless there is some reasonable assurance that they can be converted into supplies that will actually reach the victims of war. And, above all, we want these extraordinary appeals to be conducted in such a way that they do not interfere with the support of existing services for which there is urgent need in our own communities.

This problem of introducing some elements of order into our efforts to relieve suffering abroad is complex. I suppose most of us, however, are even more concerned to understand what is being done to meet the problems that have been created in our own country by the present emergency.

We all know that the National Guard is rapidly being inducted into federal service and that camps are springing up all around the country, not only to accommodate them, but also to provide facilities for the training of the new army created by the Selective Service Act. We are concerned to know what will be done for these men in the camps and in the communities adjacent to the camps. Our interest focuses upon two aspects of the problem: recreation and social service.

In the last war, recreation and morale activities were largely in the hands of civilian welfare agencies such as the Y.M.C.A., the Knights of Columbus, the Jewish Welfare Board, the Salvation Army, the Y.W.C.A., etc. At the conclusion of the war Mr. Raymond B. Fosdick, who was chairman of the War Training Camp Commission, prepared a report for the then secretary of war, Mr. Newton D. Baker, setting forth his recommendations as to the poli-

cies that should be adopted in the event of some future emergency. Now that that emergency is upon us, it is well to recall the words of Mr. Fosdick, which were based upon a very wide knowledge of the morale activities in our armed forces both in this country and abroad. This is what he said: "It seems to me that the lesson of the war in social work involves perhaps three points: (1) the elimination of sectarian auspices, (2) reduction in the number of agencies employed, and (3) the transfer to the government itself of much of the activity hitherto left to private initiative."

The plans thus far developed represent a big step in the direction suggested by Mr. Fosdick. It has been definitely decided that recreation and morale activities within the camps will be the responsibility of the army and the navy. Morale officers are on duty in each of the army corps areas and in the naval stations. So far as I have been able to learn, there has been no definite decision as yet as to whether civilians will be used in a paid capacity in the camps to work under the morale officers. Certainly there has been some discussion of this possibility. It has even been suggested that such civilians would wear a distinctive uniform that would be different from the uniforms of the army and navy and that would identify the individual as a civilian employee of the morale division of the army or the navy. The important point, however, is that responsibility for recreation and morale activities will not be dispersed among a half-dozen civilian organizations but will be centralized under the auspices of the army and navy, respectively. In other words, morale building is no longer a charity. It is now regarded rather as an integral part of the facilities needed in a modern combat unit.

Ever since the last war the American Red Cross has maintained a liaison service between the men in the army and navy and the home communities from which these men come. The work has been handled by men known as "field directors." The entire program is handled through an administrative division of the National Red Cross known as the Military and Naval Welfare Service. Social workers are familiar with the types of problems handled. A soldier has not heard from his aged parents for months and is worried about them. The Red Cross field director communicates with the Red Cross chapter in the man's home town and obtains a report concerning the parents. A wide variety of similar personal problems is

handled in this way, sometimes directly by the field director in the camp and sometimes through his contact with the Red Cross chapter in the man's home community. According to present plans, this service will be continued. In other words, the Red Cross will be the social service agency in the new army as it has been all these years in our peacetime forces.

In addition, the Red Cross is to have special responsibilities in the hospitals. According to present plans, this service will be similar to the program conducted by the Red Cross following the last war in the hospitals that cared for wounded soldiers. In other words, the Red Cross workers in the hospitals will conduct social service programs and will, in addition, have some responsibility for recreation within the hospital area. Thus, though the army and navy will handle the big recreation and morale program for the able-bodied personnel, the Red Cross will participate in this program in the hospital areas of the camps.

It is a well-known fact, however, that men in army camps and naval stations do not like to spend their entire time in camp. They like to get away from camp at times to seek diversion in the near-by cities and towns. This creates a serious problem in many communities. I understand that a large proportion of the camps for the new army are to be located in the southern states because of the more favorable climatic conditions. Some of the camps will probably have a military population larger than the population of the adjacent city. It is said that this will be the situation, for example, with respect to Camp Beauregard, which is located near Alexandria, Louisiana. This will give rise to numerous difficult situations of various kinds, but we are concerned now to speak primarily of the recreational problem.

On February 24, 1941, President Roosevelt sent a message to Congress recommending an appropriation of $150,000,000 to enable him to provide or make available "community facilities in communities where an acute need or shortage of such facility exists or impends." The following day Representative Lanham of Texas introduced a bill to authorize this expenditure. Although this bill has not yet been acted upon, the probabilities are that it will pass. The purpose of the bill is to meet the needs of two types of communities: those adjacent to large military or naval establishments and those

in which large industrial developments have been instituted to meet defense needs. Actually, the lion's share of the appropriation is to be used for the latter purpose. According to present plans, $10,000,000 will be used to construct recreation centers and to organize morale activities in the communities adjacent to the camps. At the discretion of the President, the sum allocated for these buildings could be increased. Some observers believe $20,000,000 may ultimately be used for this purpose.

Since the bill has not yet passed, it is not possible to predict definitely just what will be done. It may be worth while, however, to indicate the plan that is at present under consideration. The recreation buildings would probably be erected in these communities by the Federal Works Agency and would be the property of the federal government. Just who will operate these buildings is not yet clear. One suggestion is that they be operated by local public agencies. If this is done, it would doubtless mean in many communities that the local public welfare bureau would have to be expanded to take on this added responsibility. Elsewhere it might be possible either to create a new public agency or to turn the work over to an already existing county or municipal department of parks and recreation.

Another suggestion is that these morale buildings in the communities adjacent to military centers be operated by the United Service Organizations. The United Service Organizations is made up of the agencies so prominently identified with war work in the war of 1914–18. Its membership includes the Y.M.C.A., the Y.W.C.A., the National Catholic Community Service, the Jewish Welfare Board, and the Salvation Army. This group, originally known as "the Big Five," has now been expanded to include the Travelers' Aid Society and has, therefore, become "the Big Six." Incidentally, it is of interest to know that the United Service Organizations is at present discussing plans for a nation-wide appeal for funds. They talked originally in terms of a $35,000,000 goal. The size of the goal has since been substantially reduced, but I think it is probable that a campaign of considerable size will be launched.

The suggestion that the management of the community buildings be intrusted to the United Service Organizations[3] seems to me to be

[3] The plans of the U.S.O. (United Service Organizations) have undergone further development since these words were written. The U.S.O. will launch a nation-wide

fraught with difficulties. Sectarianism is an obstacle that is not easy to overcome. I do not believe it would work to ask one organization to operate the building in one community and another organization to operate the building in another community. Each will want to be represented in every community where there is a large concentration of troops. I do not know whether any plan will really operate smoothly. I think the chances would be best if the buildings were constructed in such a way as to allow each of the three major sectarian groups to have at least an independent office in the building.

Regardless of what decision may be finally reached as to who shall operate the buildings, it seems clear that the W.P.A. will play a conspicuous role in staffing them. A news release dated March 5, 1941, stated that the W.P.A. has 36,000 recreation leaders on its rolls and that 4,000 of them have already been assigned to morale activities related to the national defense program. The W.P.A. plans to make these recreation workers available, not only to communities

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appeal for funds on June 3, 1941. The total goal has been set at $10,700,000. Campaign expenses have been budgeted at $425,000, though those in charge believe that the actual cost will be considerably less. The funds are to be used by the U.S.O. to carry on programs in the recreation buildings in communities adjacent to military and naval stations and industrial defense projects. President Roosevelt bestowed his blessing upon the plan in a letter dated April 17, 1941, addressed to Mr. Paul McNutt.

Present estimates indicate that recreation buildings will be opened in 339 communities. Some of these will be built specifically to meet the present need. Others will be structures already in existence that can be adapted to the new program. The buildings will be leased to the U.S.O. and will remain the property of the federal government. The programs are to be intrusted to the U.S.O. rather than to any one of the individual member agencies that comprise the group. It is estimated that the $10,700,000 sought in the impending campaign will carry the program for one year unless total war ensues during that period. All expenditures of the U.S.O. are to be reviewed by auditors in the employ of the United States government.

Although many of the details of this plan are still wanting, the general outlines are now sufficiently clear to raise several interesting questions. Is there enough genuine unity in the U.S.O. to enable it to operate more than 300 programs in a spirit unhampered by sectarian dissension? If the emergency deepens, is there to be a supplementary drive for funds, or are we likely to witness the development of a large-scale subsidy system, with the U.S.O. operating on federal funds? How will the personnel be selected? Will competence be the chief test or will there be some "dividing up" of the jobs among the six constituent groups? Does the U.S.O. as such actually have a program? If not, will the program ultimately adopted reflect compromises among agencies with differing standards and divergent aims, or will it represent genuine unity of purpose and method, and standards based upon the best experience of the field?

adjacent to army camps and naval stations, but also to communities in which major industrial defense projects are located.

The community recreation building in towns or cities adjacent to camps is, however, only one aspect of the plan now being developed by those who will probably be responsible for carrying out the terms of the Lanham bill. It has been suggested that a director or co-ordinator will be employed in each of these communities. Presumably, the recreation building would be under his supervision, but his chief job would be in the field of community organization. He would organize committees to study local problems and would attempt to effect a co-ordination of the services already in existence in the community. To take a single illustration, the director would undoubtedly organize a local health committee. This committee would be concerned to promote health and sanitation. It might wish to improve the food inspection service to make sure that restaurants struggling to serve an unprecedented volume of trade maintain proper cleanliness and sanitation in the dispensing of food. It might likewise concern itself with the control of venereal disease. And it would certainly wish to help the local health department and other local health agencies to work out ways and means of meeting at least the emergency medical needs of the greatly expanded population of the community.

I have mentioned the work of the health committee. But the co-ordinator would be expected to organize community facilities in other areas as well. He might need, for example, to organize a committee to provide expansion of the religious programs of local churches, a committee to co-ordinate and develop services for children, a committee to study and to provide for the needs of families attracted to the community because of the presence of relatives in the camp. Thus, the co-ordinator would be expected to do a rounded job of community organization and would by no means be expected to limit his activities to the operation of the community recreation building. Let me reiterate that all I have described is still in the planning stage. The Lanham bill has not even passed Congress as yet, and many alterations might be made in the plan before it is actually set in motion.

It is perhaps worth while to point out that the federal government appears to be making every effort to utilize the services of experts in the formulation of these plans. A Joint Army and Navy Committee on Welfare and Recreation has recently been organized to assist in developing the programs needed to sustain the morale and to promote the welfare of those called to serve in the armed forces. Mr. Fred K. Hoehler, director of the American Public Welfare Association, has been appointed executive secretary of this committee and is now in Washington at work on this job.

You all know, of course, about the Council on National Defense organized some months ago by the President. This group includes such well-known persons as Mr. Sidney Hillman, Mr. William Knudsen, Mr. Edward Stettinius, Miss Harriet Elliott, and others, each of whom has special responsibility for one of the critical areas in the defense program. Associated with this group is a Division of State and Local Co-operation. Mr. Frank Bane, who was the first executive secretary of the Social Security Board, is in charge of this division. His division, as its name suggests, is concerned with the relationships between the national council, on the one hand, and the state and local councils of national defense, on the other. I shall have something further to say about these state and local councils presently.

As I have just said, each of the members of the Council on National Defense has special responsibility in some one critical area, such as transportation, production, price stabilization, etc. Co-ordinate with these individuals is the administrator of the Federal Security Agency, Mr. Paul McNutt. The President has asked Mr. McNutt to co-ordinate the health and welfare activities with special reference, of course, to the needs arising out of the defense program. Five committees will be appointed to advise with Mr. McNutt relative to special aspects of the problems that confront him. These committees, three of which have already been appointed, are made up in part of experts now in the government service and in part of persons well known throughout the country for their activities in connection with health or welfare programs. The five areas in which these committees will serve are: (1) health and medical care,

(2) family security, (3) education, (4) nutrition, (5) recreation. I have seen the list of those serving on the subcommittee on family security. In my opinion they are a distinguished and competent group of people, well qualified to discharge the duties assigned to them. I assume that similar quality is to be found in the other four committees.

It is, of course, too early to know how far these advisory committees will go. It is conceivable that they might limit themselves to the problem of how best to co-ordinate existing facilities. On the other hand, they might recommend to the co-ordinator and, through him, to Congress new legislation which in their opinion is needed in order to conserve individual and family welfare and health.

One question of considerable interest that may require legislation relates to the care of dependents of the men inducted into the service. You will remember the arrangements that prevailed during the World War. A deduction of fifteen dollars per month was made from the pay of a soldier with dependents. To this sum the government added an amount determined by the number of dependents involved and forwarded the total sum to the dependents. For various reasons, this plan did not work out any too well. For one thing, there were great delays in Washington; and, in some cases, the men were out of the army and home again before their dependents received the allotment and allowance that was due them. Moreover, there are always great variations in need. Even if the money had arrived promptly each month, it would have been insufficient to meet the need in particular cases. There was a widespread feeling at that time that soldiers and their dependents should not be obliged to resort to the ordinary charitable resources of the community. Accordingly, a new agency was, in effect, created. All over the country chapters of the American Red Cross raised funds for local as well as for national and international work. The local money was used to undertake home-service programs designed to relieve distress in the families of men in the armed forces. As matters worked out, the local Red Cross chapters found themselves obliged to follow pretty much the same methods that other agencies used in dealing with problems of family need. In other words, applications for assistance were investigated and assistance was given on the usual basis of supplying the budgetary deficit in the family.

In the present emergency the Red Cross, through its representatives in the camps and naval stations, will attempt to assist the men in the service with problems that may worry them. Many of these problems will involve contact with some agency in the man's home community. No doubt the local Red Cross chapters in many parts of the country will act as a liaison between the Red Cross representative who deals with the man in camp and his family in the home community. Whether these local Red Cross chapters can and will raise the money to take care of the financial needs of the families of these men is another question. At the present moment the question is not an urgent one. In general, the local draft boards are deferring men with dependents. The American Public Welfare Association recently sent queries to the states, asking how many families in their jurisdiction had applied for assistance because the breadwinner had been called into service. The replies indicated that the problem is one of very minor proportions. New Hampshire reported, for example, that they had had forty-five applications from families who had applied because the breadwinner had been summoned into service. In many states, however, so few cases had arisen that the state authority merely reported "a negligible number."

However, it is not too early, in my opinion, for us to be thinking what we shall do if this becomes a problem of considerable size and importance. My own feeling is that the task of providing relief for dependents of men called into service should not be imposed upon the Red Cross or upon any private agency. In the first place, I think it might be difficult for private agencies to raise the amounts that would be required if the problem increases to considerable size. Moreover, it is inevitable that there would be great unevenness in standards of care under such an arrangement. Some communities might be able to raise ample funds for the purpose, and others could raise very little. The responsibility for meeting this problem should rest upon the federal government. If the country takes a man away from his home and his work in order to train him for defense, and perhaps for war, then I think the country should, through tax resources, feed the man, clothe him, provide for his health and recreation needs in the camp, and take care of dependents he may have left behind.

There are several ways in which the federal government might

make provision for the dependents of soldiers and sailors. One system would be to make grants to the states in much the same way as grants are now made to the states for old age assistance. This could be done either by asking the states to match the federal funds, as is done in old age assistance, or by giving the money to the states without requiring the states to match these grants. I should very much prefer the latter arrangement. In order to set up a matching arrangement, state legislation would be required. This would involve great delays—in fact, greater delays than can be coutenanced in any emergency situation. Moreover, it is probable that some states would not provide matching funds at all. There is a lesson for us in the fact that after the lapse of more than five years since the passage of the Social Security Act there are still five states, including my own state of Illinois, that have not yet enacted legislation to permit them to obtain the federal grants for aid to dependent children. If the care of soldiers' dependents is to be handled through grants to the states, then it is, in my judgment, imperative that such grants be made without any matching requirement.

Moreover, if this plan should be adopted, I think the federal legislation should provide for the administration of these funds by the state departments of welfare. There is something of a tradition in some states that work with soldiers and sailors and their dependents ought to be handled by organizations of former service men, such as the American Legion. In my opinion it would be most unfortunate to permit a separate agency to administer such a program. Actually, there will be a great need to co-ordinate this program with the social services already existing in the state and its political subdivisions. Some of the soldiers will come from homes in which an aged parent is receiving old age assistance. Others may come from families in which a widowed sister is receiving aid to dependent children. Still others may be members of families that are receiving general home relief or that have younger children in the C.C.C. camps or on the N.Y.A. program. Integration of service and economy in administration would certainly be promoted by intrusting the administration to the one state agency that has responsibility in all of these areas.

Another possibility would be for the federal government itself to handle directly the problem of caring for soldiers' dependents.

Already the federal government is dealing directly with people all over the country in its administration of Old Age and Survivors' Insurance. Presumably, the numbers of persons involved in a program for the care of dependents of soldiers and sailors would be much smaller than the number in the old age and survivors' program. With the experience the federal government has now accumulated in administering the latter program, it would seem probable that it could take on this new one without repeating the mistakes and the delays that characterized the allotment and allowance procedure in the last war.

If such a plan should be adopted, an interesting question would arise as to the amount of aid given. A flat grant, such as thirty dollars per month, sent directly from Washington to the soldier's dependent, is obviously the easiest kind of program to administer. Such a program, however, fails to meet the needs in a great many cases, and it is too inflexible to take account of unforeseen emergencies such as hospital costs. If the flat-grant program should be adopted, it is clear that some agency in the local community would have to be in a position to supplement the grant and to provide related social services in some of the families. An alternative method of assisting the dependent families of soldiers and sailors would be to attempt in each case to equate the relief with the need—in other words, to meet the full minimum needs of each family assisted. Such a program would, of course, call for a staff to visit the families, ascertain the extent of their needs, and see that the needs were met. This could perhaps be done through enlarging some of the federal staffs now operating in local communities as, for example, the W.P.A. In any case, the country is in a much better position today to undertake such a program than it was in 1917–18. For in the interim, public social services have developed, and there is now in every county in the nation some kind of local administrative unit that is already engaged in administering one or more of the public social services.

I spoke a moment ago of Mr. Paul McNutt and of the responsibilities that have been intrusted to him as co-ordinator of health and welfare activities. I also mentioned the five advisory committees he has created to assist him in this task. I should also mention the

regional organization Mr. McNutt has created. As many of you know, the United States is divided into twelve regions for the purpose of facilitating the administration of the Social Security Act. There is a regional office in each of these areas under the charge of a regional manager. Mr. McNutt has appointed these twelve regional managers of the social security areas to co-ordinate health and welfare activities in their respective regions. These men will organize regional councils made up of the representatives of the various federal agencies operating in their areas. The chief assignment of these regional councils will be to co-operate with the state councils of defense and to correlate existing services in such a way as to meet the new health and welfare needs created by the emergency.

Many of us remember the state and local councils of national defense in the emergency of 1917–18. These councils are being revived. State councils of national defense are already in existence in at least thirty-six states, and local councils of defense have been created in hundreds of municipalities and counties. No one can at present foresee just how influential these councils may become in the months immediately ahead. The Division of State and Local Cooperation of the National Council of Defense in Washington has issued several statements that suggest the line of development that may be expected. The state councils are supposed to advise rather than to carry out programs. Their advice is proffered to the governor in his capacity as chief executive and commander-in-chief of the armed forces of the state. Each member of the state council will presumably be charged with responsibility for a broad functional area in which he is especially qualified, such as education, health, price control, civil protection, agricultural resources, etc. A major function of the state councils will be to integrate the various governmental defense programs throughout the state. In addition, the state councils will assist in the organization and operation of such local councils as may be formed.

If these state and local councils become genuinely active, as they were in the first World War, they will soon become involved in some of the problems of social work. They will undoubtedly interest themselves, for example, in housing—especially in places adjacent to large military establishments or large industrial defense projects.

They will also be concerned to preserve the social, physical, and economic well-being of individuals and families, with special emphasis, perhaps, upon the welfare of children. They may become concerned with the registration of individuals possessed of certain needed skills or trades and with a variety of similar undertakings.

As a matter of fact, some of the councils are already occupied with problems of this character. Louisville, for example, is not far from Fort Knox, and it is also just across the river from Charlestown, Indiana, where a very large new powder factory is being built. Louisville will, therefore, be a center that will attract large numbers of emergency personnel, both military and civilian. A recent report from there informs me that arrangements have already been made to take over a large building in the city and to equip it to operate as a sort of combination hostelry, recreation building, and community center. These facilities will perhaps not be fully utilized during the week, but it is believed that they will be crowded to capacity each week end.

I mentioned earlier the Lanham bill, which would make $150,000,000 available to the President to construct facilities to meet emergency needs. I also said that, according to present plans, $10,000,000 of this sum will be used to erect recreation buildings in communities adjacent to large military and naval establishments. The remaining $140,000,000 will presumably be used to build sewers, schools, hospitals, houses, and similar necessities in industrial communities not equipped to take care of the swollen population occasioned by the emergency. Charlestown, Indiana, perhaps provides the most striking illustration of this need. Charlestown is a town with a peacetime population of less than 1,000 people. It is on the Ohio River, some twenty miles from Louisville, Kentucky. Charlestown has been selected as the site of the powder plant which the Du Pont Company is building for the government. When completed, the plant will be the largest of its kind in the world, with a daily production that would meet the needs of the country for an entire year in times of peace. The estimated investment will be between fifty and seventy-five million dollars. At present, about 12,000 men are employed in the construction of the plant. When the plant is completed, about 14,000 men will be required to operate it. Obviously, a village of

1,000 people cannot cope with such a problem. According to present plans the Federal Works Agency will be charged with responsibility for constructing such facilities as may be needed. There is some thought that the local community may be asked to bear some part of the cost, possibly on a matching basis, but that has not been definitely decided as yet. In any case, it seems probable that, if the bill passes, it may be possible to alleviate or to forestall the development of the insanitary and unwholesome conditions that always result from overcrowding and from lack of modern amenities such as schools, hospitals, sewers, etc.

Perhaps, by this time, you are thoroughly confused. Developments have come so thick and fast that it is almost impossible to keep pace with them. And if the nation moves from the present defense status into a war status, we may expect the confusion to be much worse. War is not a rational business. It invokes hysteria and passion even in the highest places and among those we have commonly considered wise. Accepted standards and normal procedures are thrown out the window. In wartime, emotion is at the helm, and waste and inefficiency are the order of the day. What can social workers do in such a crisis? What, in fact, can any citizen do?

I do not claim to have an answer to that question. But it is worth remembering, I think, that the shock of a crisis sometimes produces good results. It took the shock of an unprecedented depression, for example, to bring us the Social Security Act. I do not mean to imply that any of us favors the crisis method of social advance. But this crisis is actually upon us whether we like it or not. The problem is to attempt to wrest from it at least a few beneficent results. Whether some lasting benefits do ensue will depend largely upon our capacity for wisdom and statesmanship, not only nationally, but also at the local level.

We need to keep constantly in mind two major purposes: (1) we want to sacrifice none of the social gains we have made on the theory that these gains will be restored when the crisis has passed and (2) we want, out of the shock of the crisis, to achieve new social objectives that will carry over into the decades ahead. This is an assignment worthy of the best efforts that each of us can make.

UNIVERSITY OF CHICAGO

THE LEGAL RESPONSIBILITY OF RELATIVES FOR THE CARE OF THE AGED: ADMINISTRATIVE POLICIES OF STATE ASSISTANCE AGENCIES[1]

ETHEL J. HART

ONLY a part of the story of the responsibility of relatives for maintaining the needy old in their families can be told on the basis of a review of the state old age assistance statutes. The next step is an examination of the manuals or bulletins of instruction in selected states, in the attempt to determine what is actually expected and demanded of the relatives of persons seeking old age assistance.

All the fifty-one jurisdictions are receiving federal funds for old age assistance, so it is plain that they must be following the federal policy that help received by old persons must be taken into consideration in granting assistance. But it is equally definite that in one-third of the states the statutes do not require this practice or could be precluded by judicial decision from employing it. In Texas and Utah the legislatures have attempted to base the eligibility of the old persons for assistance on his own financial ability rather than on the possible ability of his relatives to care for him. What course the state agencies have followed in adapting these conflicts in authority is therefore an important question to determine.

SIMILARITY OF ADMINISTRATIVE POLICIES UNDER THE THREE DIFFERENT TYPES OF LAWS

The Missouri and Washington agencies[2] denied assistance to old persons whose relatives were considered to be able to support them. When the practice was prohibited by judicial decisions, the states amended the old age assistance statutes to permit the continuance

[1] The first section of this study, which reviewed the statutes of the various states on this subject, appeared in the March, 1941, issue of this *Review* (pp. 24–54) under the title of "The Responsibility of Relatives under the State Old Age Assistance Laws." See also this *Review*, XIV (December, 1940), 758.

[2] See Miss Hart's first article, this *Review*, XV (March, 1941), 48–51.

of this method of administration. In Wyoming[3] help from relatives is declared to be a "resource, and this help must, therefore, be considered in determining the old person's eligibility on the basis of need, since the statute makes the "inadequacy of the income and resources" of the old person a condition of his eligibility to assistance. There is no statement as to whether or not the old person can be denied assistance if the able relative refuses to provide the aid he is thought able to contribute, nor as to what relatives should be considered responsible. The Florida *Manual*[4] also fails to define what relatives are responsible, but states that all persons responsible for the support of the applicant must be consulted and that "other persons who may be able to offer some support should also be consulted." Evidently a special effort is to be made to obtain support from children, since the *Manual* states that "it is reasonable to expect that financially able children should be responsible for their parents." That there is no method of forcing this support is recognized, however, for the *Manual* continues by saying, "this is a moral rather than a legal responsibility." Again, no regulation is set forth as to what the policy of the district office must be if the relative refuses to provide the aid requested of him. Since the requirements concerning support from relatives in both the Wyoming and Florida manuals appear in the sections providing for establishing the eligibility of the person on the basis of need, it is likely that the local offices would believe that they must reject the old person if a relative is thought able to help, irrespective of whether or not this relative refuses to give the aid required of him.

The Arkansas State Department of Public Welfare calls the attention of the local agency to the fact that "there is no provision in the

[3] See State of Wyoming Department of Public Welfare, *A Manual of Procedures* (April, 1937), secs. V-1 and V-2, "Old Age Assistance." The amendment of 1939 to the act of 1937 does not change the requirements concerning eligibility, and it is presumed that the same general policy with regard to aid from relatives is still in effect.

In referring to instructions in manuals, in instances where it was not possible to determine from the material available whether or not the instruction quoted was still in effect, attention is called to that fact and the date of the instruction stated. If no date is given for the instruction of manual, the manual or bulletin of instruction was found to be in effect November 1, 1939.

[4] Florida State Welfare Board, *Manual of Procedure for the Administration of Public Assistance*, sec. IV-11.

law denying grants where there is potential assistance by relatives," and that it "would be impossible to reject all cases where some support by relatives is available."[5] It may be judged that if a relative refused to help, assistance would still have to be granted the old person. But that county departments are expected to take into consideration the ability of relatives to support is certain, since the *Bulletin* provides that "in differentiating between applications as to need, some attention should be paid to assistance by relatives" and that "certainly as compared with cases where there is no potential income of any sort, cases with reasonable expectancy of support by relatives would be considered less needy." With the average assistance grant being $5.98 in Arkansas in August, 1939,[6] very poor relatives must evidently be bearing the brunt of the problem of old age dependency.

In discussing possible interpretations of the statutes which contain no mention of the responsibility of relatives, attention was called to the fact that an administrative agency in a state where there was a poor law in effect might choose to rely on the provisions of that law as indicating that relatives were liable for the support of the old applicants, even though the old age assistance statute makes no reference to the poor law. Such is the case in Colorado. When the "Forty-five Dollar Old Age Pension" Bill became law in Colorado,[7] the State Department of Public Welfare issued a bulletin of instructions[8] to the county units for their guidance in administering the new act. This bulletin states that "the laws of Colorado require persons in need to be supported by first degree relatives such as: children, parents, brothers and sisters."[9] The release continues

[5] Arkansas State Department of Public Welfare, *Bulletin* (D.P.W. No. 4) of the date of September 17, 1937. Since the 1939 old age assistance act has the same requirements with respect to eligibility and the amount of award to be paid, it is presumed that the same policy with regard to support from relatives is in effect.

[6] Federal Security Agency, Social Security Board, *Social Security Bulletin*, October, 1939, p. 65.

[7] *Colorado Laws of 1937*, c. 201.

[8] Colorado State Department of Public Welfare, *Bulletin of Instructions for the Administration of the Forty-five Dollar Old Age Pension Law* (C.S.D.P.W. No. 150) (Denver, Colo.).

[9] *Ibid.*, p. 26.

by saying, "the laws also provide that such relatives can be forced to do their duty in an action at law brought by the county" and instructs the county agencies that "the provisions of the law regarding the responsibility of these relatives must be explained to the applicant at the time he makes application."

The poor law provides no method of enforcing future support from relatives. It only provides that a county may recover from relatives for any aid furnished their needy kindred by the county. And the bulletin issued by the state department reminds the couny units that "only such contributions or support as are actually received by the applicant can be included" in estimating his means of support. To some degree, then, the old person is protected. But Colorado thus joins the ranks of states making children, parents, brothers, and sisters responsible for the maintenance of the aged.

This sample of the policies of six of the fifteen agencies in states where old age assistance statutes do not require that help given by relatives be made a factor in determining the need of the applicant may be regarded as indicative of the fact that in all states the agencies take into consideration the aid which an old person may be able to secure from relatives in determining the old person's right to assistance, and that some of them may deny assistance to old persons even if the relatives refuse to furnish him with the aid which the relative is considered able to provide.

But what of Texas and Utah, where, under the statutes, it would seem reasonable if not necessary to make the eligibility of old persons for assistance dependent on the financial ability of the applicant and spouse to meet their needs, and on their financial ability alone. These states, too, in the administration of the old age assistance programs, take into consideration the contributions which an applicant may be deemed likely to receive from relatives in determining the old person's eligibility for assistance.

The instructions issued by the State Department of Public Welfare of Utah[10] emphasize the requirements of the old age assistance statutes prohibiting the investigation of the financial ability of per-

[10] Utah State Department of Public Welfare, "Detailed Outline for Assembling Material for Granting, Changing, or Withdrawing Old Age Assistance" (U-2556 July 8, 1937).

sons other than the applicant and his spouse. The release states "that investigation for old age assistance on the basis of need shall be limited to the personal resources and income of the applicant, and "investigation of relatives concerning their financial ability to assist is forbidden by chapter 98, *Session Laws of Utah of 1937*.

The outline of instructions further specifies that relatives, even though living in the home with the applicant, shall not be investigated concerning their ability to aid unless it is indicated that they pay the applicant room and board. In this event, such payments are to be considered as resources. "No contact shall be made with relatives, churches, or friends concerning ability to assist." If, however, these friends are contributing regularly either in cash or in kind, "such contributions shall be considered as a resource of the applicant and shall be deductible on the basis of the state budget allowance for such items."

In Utah, then, help given by relatives is considered to be on the same basis as aid given by any friend or by the church, but it is clear that aid from public funds is not granted if such private charity is forthcoming. However, the assistance agency apparently cannot deny assistance to an old person whose relatives do not help him; and since the relatives will know that the old person will be taken care of, they can, with a clear conscience, withdraw their donations if they feel unable or under no obligation to sustain the old person. This seems to be the intent of the law. But the aid which they do furnish is taken into consideration in determining the old person's eligibility for assistance and the amount of aid to which he is entitled.

Utah reports that it is attempting to clarify the financial eligibility of applicants for old age assistance, since "unfortunately, the amount of money available would not permit a pension plan, and controls that were established in order to keep within the revenue resulted in statewide dissatisfaction among the old age groups."[11] What the regulations will be in respect to aid of relatives after the two years'

[11] Letter of November 21, 1939 (to Professor S. P. Breckinridge, School of Social Service Administration, University of Chicago), from J. W. Gillman, director of the Utah State Department of Public Welfare.

experience of the state in administering this act will be interesting to see.[12]

It will be remembered that the provisions of the Texas and Utah statutes seem quite similar in intent. The administrative policy adopted by the Texas Old Age Assistance Commission, however, differs in several important respects from the policy of the Utah State Department of Public Welfare.

The Texas *Manual*,[13] as does the Utah instructions, states that no inquiry shall be made into the financial ability of relatives to support, and their ability to support shall not be taken into consideration in determining the applicant's resources. That "evidently the Legislature intended to place *children* or *other relatives* in the same category as *any other person* with relation to the applicant"[14] is recognized by the Texas Old Age Commission, as is apparently the case in Utah. But there the resemblance ends, and the policy of the Texas agency has interpreted—even strained, it seems—the statute into placing as much responsibility on relatives as some of the statutes whose intent was to insure family responsibility rather than to limit or dispense with it, as it is apparent intent of the Texas and Utah statutes.

Under the provisions of the old age assistance act[15] the Commission, in calculating income and resources of the applicant, "shall take into account all money received by gift, devise or descent." The *Manual* calls attention to the fact that gifts are frequently made by relatives and that cash gifts which the applicant may continue to receive are to be deducted from the budget as income. Whether or not the gift is likely to be continued is to be determined by a contact with the donor.

Gifts other than money cannot be counted as income because of an opinion of the attorney-general to that effect. This opinion says that

[12] It will be remembered that the Legislature of 1939 did not change the law with respect to the responsibility of relatives, so it is presumed that old persons are entitled to aid unless actually receiving help from relatives.

[13] Texas State Board of Control (Texas Old Age Assistance Commission), *Manual* (October, 1938), Item 411.551.

[14] *Ibid.*, Item 411.56.

[15] *Texas Acts of 1939*, S.B. No. 9, sec. 4.

since the legislature, in providing for "calculating income," said that money "received by gift, devise, or descent" should be included, it thus excluded the consideration of property, under "the application of the well-known maxim, '*Expressio unius est exclusio alterius.*' "[16] The opinion of the attorney-general failed to include the words "and resources" after income as is provided in the statute, which, it has been seen, provides that "money" received by gift shall be used in "calculating income *and* resources." The Texas agency has used this omission in the opinion of the attorney-general of the word "resources" to mean that, while in calculating income only "money" gifts can be included, in estimating resources "property" gifts can be used. The *Manual* interprets property gifts to mean all gifts other than cash, and they "may be in the nature of real or personal property, food, shelter, etc." Although "such gifts are not to be deducted from the applicant's budget as income, they must be taken into consideration as a resource in determining eligibility and budgetary needs," and "gifts of food, clothing, shelter, etc., will usually be reflected in a lowered budgetary need." For all practical purposes, then, any help given by a relative is a factor in determining the old person's eligibility for assistance.

It has been noted that, under the provisions of the Texas *Manual*, the continuing availability of the gift can be determined by contact with the donor. This is unlike the Utah administrative provision, which forbids an interview with the relative or other person giving help for the purpose of discussing the aid he has been supplying. The Utah outline of instructions also, it will be recalled, expressly states that the fact that the applicant lived in the same house with relatives did not imply that these relatives should be interviewed concerning their ability or willingness to help. Far different are the regulations of the Texas agency. If the home in which the applicant lives, or the home of any other person who is supporting the applicant, is below a standard of decency and health, the applicant's need is declared to be obvious. But where the home of the supporting relative or the home in which applicant lives is above a standard of health and decency, the investigator is expected to discuss the needs

[16] Texas State Board of Control, *op. cit.*, Item 411.55.

of the applicant with the person who has been supplying them. And in instances where a person in the "higher income brackets" who has been supporting the applicant declares his intention to discontinue the aid he has been supplying, the investigator is expected "to use his discretion as to the prospects the applicant may have for continued support" and "if in his judgment the prospects are good for continued support and his needs will be met, may deny the same." Since the investigator must exercise his discretion as to whether or not the "prospects" for continued aid from relatives are good, it is difficult to see how inquiry into the financial ability of the relative to pay can be avoided.[17]

The *Manual* calls attention to the fact that where the home of the relative giving aid is below the standard of decency and health the entire budgetary need of the applicant must be met; but that in instances where the home of the relative who has been maintaining the relative is above a standard of decency and health, the agency will meet only those needs which the relative does not feel that he will meet, and "it may follow that rent, utilities, or in some cases, food will not be included in the applicant's need." The investigator also must be expected to use his judgment as to the aid a relative must

[17] It is interesting to note the difference in emphasis of the two opinions of the attorney-general which the agency quotes in the *Manual* as the basis of its policy. The ruling of the attorney-general as of June 12, 1939, reads as follows:

"We find no provision in the act which would require that aid or support actually furnished by a non-relative, child or other relative, to an aged person should not be considered in determining his budgetary needs or eligibility for State assistance but if at any time, for any reason, such outside assistance is not received by the applicant the Commission is specifically prohibited by the Act from making inquiry into the financial status of ability of a child or other relative to contribute to the applicant's support. The status or necessities of each individual applicant is made the sole criteria for determining his needs and eligibility except, however, as provided in the act, consideration may be given to the financial status or ability of a husband or wife."

A ruling made by the attorney-general a week later, on July 19, 1939, states:

"It has been suggested that the paragraph of our original opinion copied above might be rephrased to read as follows:

" 'If aid or support is given by a non-relative, child or other relative, to an aged person, such aid or support should be considered in determining his budgetary needs or eligibility for state assistance, however, if at any time, for any reason, such outside assistance is not received by the applicant the Commission is specifically prohibited by the act from making inquiry into the financial status or ability of a child or other relative to contribute to the applicant's support.' "

give, if the homes of the relatives just reach a level of decency and health, for no instructions to cover these situations find a place in the *Manual.*

Remote and far removed is the policy of the agency from the belief which the governor expressed in recommending the passage of the 1939 act to the Legislature, when he said:

> Based on the studies which I have made, I am convinced that it is unsound public policy to refuse to grant old persons a pension simply because they may have a son or daughter able to care for them. To attempt to place the responsibility on the children will, in my judgment, in many cases result in forcing the children and their families sometimes to go without the necessities of life in order that the parents may be kept from absolute want. Therefore, in the bill which I have submitted the granting or the refusal of a pension has been based on the economic status of the old person and not on the economic status of the children.[18]

These statements concerning the policies make it plain in Texas, in practice, investigation into the relative's ability to support is made, if only through the process of observation and inquiry, and that old persons are denied assistance if the administrative agency believes the relative to be able to continue the help which he has been furnishing and can be induced to do so. It seems likely that "in fact, those who pay are the honest and the simple."[19]

So, if old age assistance statutes require that relatives support the needy old in their families, if the statutes make no reference to the responsibility of relatives to support, or if they guard against the eligibility of the old person being determined by the financial ability of relatives instead of by his own needs and his own ability to meet them all, the statutes all are leveled, by administrative policy, into the common practice that if relatives—willing or unwilling, poor or in better financial circumstances—will provide for an old person, then the old person is found to be ineligible for assistance from public funds.

[18] Texas Forty-sixth Legislature, Regular Session, *House Journal* (January 18, 1939), p. 113.

[19] Sidney and Beatrice Webb, *The Break-up of the Poor Law, Being Part One of the Minority Report of the Poor Law Commission* (London and New York: Longmans, Green & Co., 1909), p. 376.

SIMILARITIES OF AGENCIES IN THE TREATMENT OF "LEGALLY" AND "MORALLY" RESPONSIBLE RELATIVES

Another apparent difference in state statutory provisions has been smoothed into similarity by the policies of the administrative agencies. In view of the fact that many statutes designate the classes of relatives held legally liable for support of the old person, it might be expected that help given by relatives beyond the degrees of relationship enumerated in the statute should not be counted as part of an old person's opportunities for obtaining support. This is not the practice, however, in many states.

In Illinois it is the belief of the state agency that "old age assistance is not intended to take the place of aid from relatives who have legal or moral obligations to provide support and care and will do so."[20] It is recognized that stepchildren and married daughters who have no income or property in their own right cannot be held legally responsible for the support of their parents.[21] According to the Division of Old Age Assistance, "the fact, however, that married daughters and stepchildren do have an obligation indicates that such children will be expected to support *as though they were responsible under the law.*"[22] And, furthermore, the county departments are directed to secure a statement from *each relative* or interested person who has contributed to the applicant's support at any time during the last twelve months as to his willingness to support.

The policy of the state agency of Maryland is similar to that found in effect in Illinois. The manual embodies the opinion of the attorney-general[23] that the statute making adult children responsible for the support of their parents is a criminal statute and therefore must "receive a strict construction and should not be extended any further than the plain meaning of the words indicated." The attorney-

[20] Illinois Department of Public Welfare, Division of Old Age Assistance, *Bulletin No. 28* (November 23, 1936).

[21] Illinois Department of Public Welfare, Division of Old Age Assistance *Bulletin SS No. 116* (new ser.; November 16, 1937).

No bulletins superseding or canceling the two Illinois bulletins quoted were found in the material surveyed.

[22] Italics supplied in this sentence and the following one.

[23] Maryland Board of State Aid and Charities, *Rules and Regulations*, "Sec. BB, Opinions of the Attorney-General," Opinion No. 2 of September 10, 1935.

general was of the opinion that the statute does "not obligate a man for the support of his wife's aged parents, nor would it obligate a person for the support of a stepparent, nor the support of foster parents where no blood relationship exists."

"In the case of married daughters," the state agency recognizes, "the investigation will have to be somewhat modified." The daughter can be asked what her husband's earnings are, but "cannot be required to give this information."[24] But, continues the manual, "Frequently, the agency will have approximate knowledge of the amount of the earnings from knowledge of standard wages for the type of work done. If it appears that this family group is able to support, the agency may reject the application on the grounds that the aged person who is living with the family group has adequate resources of shelter and food"; and "all resources or property of the daughter held in her own right should of course be scrutinized."

In Indiana the only relative who is legally liable for the support of an old person is his child. On reading the *Old Age Assistance Manual* of the State Department of Public Welfare, however, it is found that the aid given by other relatives is a factor in determining the amount of the old age assistance payment to which an old person is entitled. Separate budget procedures have been established by this agency to be used in determining the extent of the financial ability of either the "legally responsible" or the "morally responsible" relative in whose home the applicant may be living.[25] The procedures are remarkably similar. It is interesting to see the compromise or "middle-of-the-road" policy which the agency has evolved to meet situations where the family group of morally responsible relatives "are able but unwilling" to provide the aid requested. Only the applicant's personal needs are to be covered by the award and no provision is made in the payment for the applicant to pay any of the "maintenance items" of the home.

The Massachusetts Department of Public Welfare also distinguishes between the legally responsible relatives and other relatives. The *Manual* goes into some detail as to what shall be done when the

[24] *Ibid.*, "Sec. E, Determination of Need," p. 51.

[25] Indiana Department of Public Welfare, Division of Old Age Assistance, *Old Age Assistance Manual*, chap. ii, sec. 5, pp. 23–25.

old age assistance applicant has a legally responsible relative (a child).[26] It is the belief of the agency that "sons and daughters should support their aged parents not only if they can easily do so, maintaining their own comforts and luxuries, but they should do so even if it involves some sacrifice of those comforts and luxuries."[27] But, the attention of the local boards of public welfare and of the Bureau of Old Age Assistance is also called to the fact that the relatives who are not legally liable frequently "may be a resource to provide the applicant with clothing, amounts of cash, incidentals and other services."[28]

In other states the instructions of the state agency with regard to the responsibility of relatives to support are concerned only with the responsibility of legally responsible relatives. This is true, for example, in Virginia and West Virginia.[29] The manual of instructions of 1938 for the administration of old age assistance in New Hampshire also limits its discussion of the responsibility of relatives to the responsibility of legally responsible relatives.[30] This is in contradiction to an old manual in effect in 1936,[31] where the worker was advised that brothers and sisters, daughters-in-law and sons-in-law, and occasionally cousins might be interested and willing to assume some responsibility for the old person, and should be seen "if moral or financial co-operation may be forthcoming." This change in New Hampshire must be a modification rather than a change in policy. To be in accord with the policy of the federal agency, an old person is ineligible for assistance to the extent that his needs will be met from any source whatever. In these states investigation of the financial ability of relatives other than those legally responsible probably

[26] See Massachusetts Department of Public Welfare, *Manual of Laws, Rules, Policies and Procedures for the Administration of Public Assistance*, chaps. ii, iii, vi, and xii.

[27] *Ibid.*, chap. vi, p. 10.

[28] *Ibid.*, chap. iii, "Investigation of Need."

[29] See Virginia State Department of Public Welfare, *Manual of Procedures*, c. I, sec. 2, "The Case Study and Determination of Eligibility"; and West Virginia Department of Public Assistance, *Manual of Procedures*, Part II, pp. 28–114.

[30] New Hampshire Department of Public Welfare, *Manual of Organization and Policies*, July, 1938.

[31] New Hampshire State Board of Welfare and Relief, *Old Age Assistance Manual*.

is not very stringent, but when the relatives do help, if federal policy is adhered to, aid must be denied.

The Colorado State Department of Public Welfare[32] defines support to be "regular contributions which the applicant may receive from *relatives*, lodges, fraternal organizations, and relief received in cash or in kind from public or private charitable organizations including State or county." This definition probably reflects both in content and accent the method prevailing throughout much of the country for determining the eligibility of the applicant, irrespective of the statutory directions. If the legal maxim "*Expressio unius est exclusio alterius*," quoted by the attorney-general of Texas,[33] is followed, an old age assistance statute which specifies the classes of relatives legally responsible for the support of old age assistance applicants might be held by the court to prohibit the agency from taking into consideration support from other relatives. It might be considered, however, that other general provisions of the statute indicate that this was not the intention of the act. The chance of the question coming to the courts is not great. Poor people are seldom able to afford the luxury of resorting to the courts to protect their rights. In practice, then, old people having morally responsible relatives are probably denied assistance unless the morally responsible relatives refuse, and refuse in forceful fashion, to furnish the aid which the agency determines they should give. Again it may be said that it sometimes may be the more honest and less shrewd of the old people and their relatives who are receiving the least benefit from old age assistance funds.

POSSIBLE REASONS FOR STATE AGENCIES' POLICIES REGARDING RESPONSIBLE RELATIVES

The legality of the policies which some of the state agencies have adopted has been and may well be questioned; but the fact remains that if an old person has relatives who can or will help him, he is likely to be denied assistance. Public welfare administrators apparently have questioned this practice little if at all, if a report of a round-table conference at the American Public Welfare Association

[32] *Op. cit.*, p. 25.

[33] See above, p. 291.

meeting in Washington, D.C., in December, 1938, offers any indication of their views.[34] Public welfare administrators from all parts of the country participated in the discussion, according to the report of this meeting. Evidently it was accepted that relatives should be required to support. The summary of the discussion indicates only that there was some feeling that public assistance agencies should insist on support by responsible relatives in every possible case, but that the group in general were of the opinion that such insistence should take the form of reimbursement after the old person had been aided, and that "any difficulties with responsible relatives should be worked out thereafter."[35]

In reflecting on these policies with regard to relatives, recognition that such standards often result in hardships to the old person and to the relatives cannot be avoided. Why public welfare officials accept and even initiate these policies is a question that may well be asked.

Replies vary. Some seem fearful lest the administration of old age assistance weaken the sense of family integrity.[36] But why protection of the aged by government may jeopardize family solidarity is not explained. Once upon a time children received their education either in private schools or from tutors employed by their parents. Public provision for education has not lessened the desire of parents to protect and care for their sons and daughters. The theory that public medical care will destroy family unity has not been advanced. Yet care for its sick members was first a function assumed by the family.

Others, in speaking of the requirements regarding support from relatives, consider it as a means of being fair to the old person and the taxpayer.[37] Still others merely say the funds provided are not adequate enough to care for all dependent old people, and that those

[34] American Public Welfare Association, *Legislative Requirements for Public Assistance* (Chicago, May, 1939).

[35] *Ibid.*, p. 4.

[36] See this *Review*, XV (March, 1941), 45–46.

[37] See Marc P. Dowdell, director, Division of Old Age Assistance, New Jersey Department of Institutions and Agencies, *Should Children Be Required To Support Their Parents?* (a reprint from *Social Security in the United States, 1939*) (New York: American Association for Social Security), pp. 1–7.

persons with the potential resources of relatives to rely on will not be so likely to suffer as old persons who have no family connections.[38]

To the legislative bodies and to the taxpayers to whom administrative agencies are at least indirectly responsible, "no increase in taxes" sounds better than "inadequate appropriation." And "encouraging people to assume their rightful obligations" is a very fine phrase. Can it perhaps be said, though, that the reasons given for these policies with respect to relatives are interdependent and are the cause and effect of each other?

Regardless of the legal or social soundness of the policy of the federal government and of the states and territories in requiring support from relatives for old people, it is easy to see why so many people consider it the only practicable policy under the present system of financing old age assistance. "In all States," according to the Social Security Board, "the amount of money available for public assistance is limited either by legislative appropriation or by the productivity of certain tax sources."[39] "Almost every state," the federal agency already reports, "has been faced with the question whether it was better policy to spread the available funds thinly over the large group in need or to restrict the group and provide more adequately for those who were accepted for aid."

If the bars concerning the responsibility of relatives are let down, the increase in the number of applications would be tremendous. It has been estimated that in April, 1937, from three to five million persons, or 44 per cent of the old people (64.9 per cent of the old people were estimated to be dependent), were dependent on relatives and friends to support them.[40]

The increase in the number of applications could but result in a decrease in the size of the individual old age assistance payment. Many states do not have sufficient wealth to permit much greater increases in taxation, and they cannot, on the dollar-for-dollar matching basis now in effect, raise the state funds necessary to secure larger federal grants for old age assistance. Changing the policy

[38] See above, p. 287.

[39] Social Security Board, *Third Annual Report*, p. 104.

[40] Social Security Board, "Economic Status of the Aged," *Social Security Bulletin*, March, 1938, pp. 5–16.

with regard to the responsibility of the family will not relieve these relatives of the care of the old person. The meager old age assistance awards will have to be supplemented. Many relatives who under the present policy have been relieved of the care of the old person will have to assume it again.

To say, however, that a change in policy with respect to the responsibility of relatives is not possible under present methods for financing old age assistance is not to say that such a plan is not feasible. The wealth of the nation is not limited as is the wealth of individual states.[41] We are said to be living still in an age of scarcity and production still can be increased. It is possible, therefore, for the federal government, either directly or through variable grants-in-aid, to assume greater responsibility in meeting the increasingly large problem of old age dependency.

Although in 1939 the legislatures of nine states by resolution or memorializations asked Congress to increase the federal grant-in-aid or requested that the federal government assume the full cost of assistance to the aged,[42] federal responsibility for old age assistance was not increased perceptibly by the Seventy-sixth Congress. The principle of variable grants was rejected. The substitution of $40 for $30 as the maximum amount of an individual old age assistance payment for which federal matching can be had[43] will be of little advantage to any but the wealthier states. In so far as the policy with respect to relatives is concerned, the requirement that after July 1, 1941, the state must, "in determining need, take into consideration any other income and resources of an individual claiming old age assistance," may be interpreted to mean approval of the present policy of the Federal Security Agency,[44] that help from

[41] See Harold M. Groves, *Financing Government* (New York: Henry Holt & Co., 1939), p. 596, for a brief discussion of the subject, "What Proportion of the National Income Should Be Set Aside for Welfare?"

[42] Marietta Stevenson, "Recent Trends in Public Welfare Legislation," *Social Service Review*, XIII (September, 1939), 443.

[43] "An Act To Amend the Social Security Act, and for Other Purposes," approved August 10, 1939, c. 666, 53 *U.S. Statutes at Large* 1360 (76th Cong., 1st sess.), Title I, sec. 102.

[44] *Ibid.*, sec. 101.

relatives is a factor in determining an old person's eligibility for assistance. At the least, it indicates no rejection of that policy.

It may be the hope of the federal government that the future problem of old age dependency will be solved to great degree by the benefit system of employer-employee contribution. But this will not take care of the immediate problem to any extent, nor, under the law now in effect, will great numbers of persons be reached.[45]

Unless wages are increased, government must and will extend its services and funds so that none of the people in this country will have to live below a level of decency and health—a standard now more talked about than maintained. Because of its increasing size and its national scope, the responsibility for protecting the dependent old from want may be one of the services the federal government should choose to undertake.

[45] *Ibid.*, Title II.

SOCIAL SERVICE AND FEDERAL VOCATIONAL REHABILITATION POLICIES

MARY E. MACDONALD

SOCIAL workers have been observing with great interest recent developments in the federal grants-in-aid program of vocational rehabilitation. This program had been in operation for fifteen years, and during this period federal funds for the support of the program were provided for four different temporary periods, when the Social Security Act made the program permanent and almost doubled the annual appropriation authorized, increasing it from $1,097,000 to $1,938,000. Inclusion of provision for funds for vocational rehabilitation in the Social Security Act seemed to bring the program closer to social work. Under the terms of the Security Act, state crippled children's agencies were required to cooperate with state vocational rehabilitation agencies, and this provision also directed the attention of social workers to vocational rehabilitation. When the Federal Security Agency was established in 1939, the United States Office of Education, which administers this program, was transferred to the new agency, and again rehabilitation seemed to move closer to social work. The amendments to the Social Security Act, adopted in the same year, increased the annual appropriation authorized for rehabilitation to $3,500,000. Finally, in 1940, federal rehabilitation policies were greatly liberalized. Increased funds and the liberalization of federal policies make it possible for social workers to look to state rehabilitation departments with greater hope of success in securing service for larger numbers of their clients. The course of development of the federal policies and the policies now in effect, with respect to eligibility and the scope of the service, are of interest to social workers.

POLICY-MAKING POWERS OF THE FEDERAL AGENCY

The National Vocational Rehabilitation Act of 1920[1] left broad powers to the Federal Board for Vocational Education in interpret-

[1] "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2

ing the law, defining the scope of the program to be embraced under it and issuing rules and regulations for the operation of this new federal-state undertaking. The Rehabilitation Act contains only two specific prohibitions, both in section 1, with regard to expenditures from federal and matching funds: first, that such funds should not be expended for capital outlays, such as the purchase or rental of land or the purchase or repair of buildings or equipment and, second, that they should not "be used by any institution for handicapped persons except for vocational rehabilitation of such individuals entitled to the benefits of this Act as shall be determined by the Federal board."

When this measure was considered at joint hearings of the House Committee on Education and the Senate Committee on Education and Labor, it was clearly seen as one of limited scope, not embracing all the possible steps necessary in the complete rehabilitation of a disabled person.[2] At least two protests were made at that time against limiting the use of federal and matching state funds for rehabilitation solely for the purpose of meeting the cost of vocational training, instead of including when necessary the support of the person taking the training and corrective medical and surgical treatment, which must sometimes precede training or retraining. That was, however, before the broad definitions of "rehabilitation" and "persons disabled" were incorporated in the law as an amendment offered on the floor of the Senate by Senator Smoot of Utah.[3] This amendment provided that "the term 'rehabilitation' shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation."[4] This definition, it should be noted, uses exactly the terms of the rehabilitation bills which were then being promoted by the Red Cross Institute for Crippled and Disabled

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1920, chap. 219, *United States Statutes at Large*, XLI (66th Cong., 2d sess.), 735–37. Although amended several times, no drastic change has been made in this law.

[2] The legislative history of the Rehabilitation Act of 1920 and of the more recent amending acts is considered in detail in an earlier study by Mary E. Macdonald, "Federal and Illinois Legislation for Vocational Rehabilitation" (unpublished field study, School of Social Service Administration, University of Chicago).

[3] *Congressional Record*, LVIII (June 20, 1919), 1458.

[4] *United States Statutes at Large*, XLI, 735.

Men. These bills were designed to establish complete and comprehensive rehabilitation programs, including physical restoration and maintenance for the person in training.[5] Thus it would appear that through the power conferred upon it to approve state plans for rehabilitation and to issue rules and regulations, the Federal Board was indeed given by the law of 1920 a remarkably free hand to develop a comprehensive program. This broader policy, however, was not followed.

The director of the Federal Board for Vocational Education, from 1917 until 1919, Dr. Charles A. Prosser, had been a leader in the movement to secure federal legislation for vocational rehabilitation, and it was he who strongly recommended that its administration be placed under the Federal Board and that the state administrative agencies be the state boards for vocational education, which were already co-operating with the Federal Board in the federal-aid program for vocational education in secondary schools. Dr. Prosser supported the measure of limited scope at the hearings in 1918 and, in defending it, expressed the opinion that a voluntary fund for maintenance during training could easily be built up and that passage of the law would have an indirect effect which would bring about improved medical and surgical care for those injured in employment accidents. He saw rehabilitation, however, primarily as the providing of vocational training and its administrative problems as little different from those of the Federal Board in relation to vocational education.[6]

The policies of the Federal Board for Vocational Education with reference to rehabilitation were first published in September, 1920.[7] The policies then formulated have been revised from time to time, with the most important modifications occurring in 1938 and 1940.

[5] John C. Faries, *Three Years of Work for Handicapped Men* (New York: Institute for Crippled and Disabled Men, 1920), p. 78. Cf. *Acts of the Legislature of New Jersey, 1919*, chap. 74; *Laws of Illinois, 1919*, p. 534.

[6] U.S. Senate Committee on Education and Labor, *Vocational Rehabilitation of Persons Disabled in Industry: Joint Hearings on S. 4922, 65th Cong., 2d sess.* (1919), pp. 63–73.

[7] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies To Be Observed in the Administration of the Industrial Rehabilitation Act* (Bull. 57 [1920]).

Consultations with state rehabilitation officials have always preceded policy changes, and, even before the adoption of the initial policies, there was such a conference in Washington. Statements of policies have been published in 1920, 1922, 1926, 1933, and 1938 by the Federal Board for Vocational Education and, since 1933 by the Office of Education, its successor in the administration of vocational rehabilitation. Policies established by the federal authority relate to the use of federal and matched funds for administrative purposes, the administrative organization in the co-operating states, qualifications of personnel, and other matters not included in this article. This discussion is confined to the policies relating to eligibility and case-service expenditures.

ELIGIBILITY

Only two provisions of the National Vocational Rehabilitation Act are related to eligibility for the benefits of the law. First, there is the definition of "persons disabled," inserted on the motion of Senator Smoot, which provides that "the term 'persons disabled' shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation."[8] Second, there is a provision that rehabilitation shall be available to any civil employee of the United States government who is disabled in the performance of his duty.

At the outset the Federal Board wisely ruled that eligibility depended not upon the degree of physical impairment alone but upon the existence of a permanent physical disability which resulted in a vocational handicap.[9] For example, a relatively slight crippling of the hand, incurred by a person whose normal vocation involved manual dexterity, would constitute a vocational handicap, while the same physical disability might not represent a vocational handicap to someone in another occupation. Persons who have had vocational experience are considered vocationally handicapped when they cannot continue their best employment after disablement. Those

[8] *United States Statutes at Large*, XLI, 735.

[9] Federal Board for Vocational Education, *op. cit.*, p. 30.

who have never been employed are vocationally handicapped "when the disability is a major one and lessens normal opportunity for employment."[10] For the first time, in 1940, the federal statement of policies included specific reference to a third group, persons who are suitably employed but "who are or may reasonably be expected to become vocationally handicapped in such employment."[11] In such cases rehabilitation service assumes preventive aspects and is designed to make it possible for the individual to hold his present satisfactory job rather than wait for him to lose it before acting to restore him to a "remunerative occupation."

The National Rehabilitation Act is silent concerning the financial status of beneficiaries, or what might be called the use of a "means test." The Senate Committee on Education and Labor proposed an amendment to make eligible only those financially unable to bear the expenses of their own rehabilitation. This amendment was defeated when Senator Smoot objected to it on the ground that it would result in making beneficiaries swear they were paupers.[12] As the rehabilitation bill passed the House, however, the service was to be extended only on the basis of financial need, but fortunately it was the Senate version, without a "means test," that was enacted into law. The statements of policy of the federal agency are likewise silent on this point as it has been the consistent policy of the federal authority not to introduce any reference to the financial status of rehabilitation clients. In the newly inaugurated policies regarding maintenance, however, there is the requirement that payments for living expenses be made on the basis of financial need. The desirability for this requirement is obvious. The federal policy regarding appliances also contains an element of a "means test," as state rehabilitation authorities are urged to explore the possibility of other

[10] Federal Board for Vocational Education, *Administration of Vocational Rehabilitation: A Statement of Policies* (Bull. 113 [1927]), p. 13; U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 19.

[11] U.S. Office of Education, "Memorandum from Director, Vocational Rehabilitation Division to Executive Officers of State Boards for Vocational Education, regarding 'Amendments to Policies for Administration of Vocational Rehabilitation,'" dated April 1, 1940 (C.L. 2217), p. 1 (mimeo.).

[12] *Congressional Record*, LVIII (June 20, 1919), 1458.

resources existing, including the client's own funds, before purchasing artificial appliances from state rehabilitation funds.

The National Rehabilitation Act makes no reference to age, but the first bulletin issued regarding policies contains a statement that, although the federal act did not specify a minimum age, "it is evident, however, that the minimum age in any State would be the minimum age of legal employability in that State."[13] In the 1926 revision of policies this was repeated in essentially the same words.[14] A different interpretation could be drawn from the 1933 revision, however, for then the only reference to a minimum age was that "it is taken for granted that State rehabilitation agencies in their placement of handicapped persons must comply with State legislative enactments regarding the legal age of employability in the several States."[15] This might refer only to placement and not to eligibility for guidance and training. Similarly, the 1938 revision of policies does not contain a specific statement on this point but declares that "although age limitations for rehabilitation are not prescribed by the Federal act, the Office of Education believes that State rehabilitation departments should observe their State laws with respect to the age of employability, in the placement of young handicapped persons; and that children too immature to profit by vocational training or other rehabilitation service and adults beyond working age should not be accepted for rehabilitation service."[16]

This policy, although not stated in rigid terms, operates in most states to prohibit service to children. This appears to be an unnecessary restriction, because, although undoubtedly unwise to begin specific trade-training before the age of legal employment, counseling services should be available to young adolescents. The extension of such guidance should depend upon local public school facilities and programs of vocational counseling, but rather than tend

[13] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies* (Bull. 57 [1920]), p. 37.

[14] Federal Board for Vocational Education, *Administration of Vocational Rehabilitation* (Bull. 113 [1927]), p. 13.

[15] *Ibid.* (rev. ed., 1933), p. 13.

[16] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 19.

to be restrictive in its policy in this respect, the federal agency might definitely encourage state rehabilitation departments to maintain some contact with handicapped children even before the training furnished by rehabilitation agencies begins.

The reference to an upper-age limit contained in the 1938 revised statement of policies is the first in this respect. This determination has been left to the states. The states have also been free to make their own regulations concerning residence and citizenship.

"Feasibility" (referred to in the early years of the program as "susceptibility") has been distinguished from eligibility to refer to characteristics of the individual applicant and factors in his environmental situation which affect his acceptance for service. Thus, for example, a person clearly eligible for service might not be considered "feasible" of rehabilitation because his marked emotional instability would seem to preclude successful completion of a training course. If the worker's case study indicates a capacity to benefit from training or other rehabilitation service and the probability of successful placement in regular employment, the individual is said to be "feasible" of rehabilitation. Determination of "feasibility" has always been left to the states to determine on an individual-case basis.

Since the beginning of the program in 1920, the placement of the handicapped individual in regular, full-time employment in competition with the able-bodied has been regarded by the federal authority as the criterion of the successful conclusion of work with any given case. Rehabilitation is defined in the law, it will be recalled, as the fitting of disabled persons for a "remunerative occupation," and even the title of the act declares its purpose to be "to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment."[17] Placement in temporary, casual, or relief employment or employment under sheltered workshop conditions is not considered evidence of satisfactory rehabilitation. The federal agency takes the view that the provisions of the federal act do not apply to those persons so severely handicapped that they cannot be fitted for complete self-support in ordinary employment. "The test of the rehabilitation of the individual," the most recent federal statement of policy

[17] *United States Statutes at Large*, XLI, 735.

points out, "is the degree to which the service rendered him has effected an improvement in his earning capacity and has resulted in his establishment in a permanent, substantial job consistent with his capacities, and at a wage adequate for self-support."[18]

SCOPE OF REHABILITATION

The rulings of the federal agency regarding the inclusiveness of the National Rehabilitation Act and determining the expenditures permissible from federal and matching funds have always been very definite and precise. The first bulletin on policies referred to the desirability of some states providing a more complete service than the Federal Board had ruled possible under the National Act. This section deserves to be quoted in full:

> In some States it may be desired to provide by taxation funds from which the maintenance of persons undergoing training may be paid. In others the same end will be sought through so amending the compensation act as to provide an award for reeducation either directly or indirectly, and by establishing or amending other forms of social insurance to do the same thing for cases outside the compensation act. Some will wish to do work in the field of physical rehabilitation, for which reimbursement cannot be made from Federal funds.[19]

No effort seems to have been made, however, to offer vigorous encouragement to the states to include services which could not be supported by matching funds within the scope of their state rehabilitation departments. Although this first bulletin contains two suggested model state acts for rehabilitation, both are mere acceptance acts, making the state program contingent upon continuing federal aid and embracing no more than those services for which federal funds could be expended.[20] The later suggested state acts provide for a permanent state vocational rehabilitation division but make no provision for desirable state services for which federal funds could not be expended.[21]

[18] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 24.

[19] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies* (Bull. 57), pp. 18–19.

[20] *Ibid.*, pp. 19–22.

[21] Federal Board for Vocational Education, *Administration of Vocational Rehabilitation* (Bull. 113 [1927]), pp. 46–47; and *ibid.* (rev. ed., 1933), pp. 52–53.

a) Training.—Training, or retraining, is, of course, the keystone of rehabilitation of the physically handicapped and has always been so regarded by the federal agency. A state which proposed to maintain only a placement service for the physically handicapped could not qualify for federal aid.[22] This ruling clearly follows from the implications of the requirements of the National Rehabilitation Act that state plans include a statement of the "courses of study" contemplated.

The emphasis in the National Rehabilitation Act on "courses of study," "methods of instruction," and "qualifications of teachers," copied largely from the Vocational Education Act of 1917, indicates that the direct administration of various classes by rehabilitation departments was contemplated by the framers of the legislation.[23] It is fortunate that as state rehabilitation departments have developed use has been made of existing training facilities, organized primarily for the able-bodied, because the clear purpose of rehabilitation is to place disabled persons in regular employment in competition with the able-bodied. Segregated training, in the majority of cases, would not be suitable for this end and would necessarily be quite limited in variety. The Federal Board appears to have foreseen this development, for the first policies published are in no way directed toward establishing guiding principles for the conduct of special classes or the qualifications for teachers of them. On the contrary, the Board stated that there could "obviously be no objection to utilizing the educational facilities of existing institutions, whether public or private, and to paying when necessary the established fees therefor."[24]

The "supervision and support" of courses of rehabilitation by the state boards for vocational education, required by the federal law, was explained to include "at least" the inspection of the facilities and methods of work of the training agency, the outlining and approval of the proposed courses for its clients, the receipt of reports

[22] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies* (Bull. 57), p. 33.

[23] *United States Statutes at Large*, XLI, 735.

[24] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies* (Bull. 57), p. 17.

from the training agency as to the progress and attendance of the rehabilitation students, periodic visits to the training agency by members of the state rehabilitation staff, and the negotiation of contracts covering payments to the training agency for its services.[25] Furthermore, no qualifications for teachers, except that they be "thoroughly qualified," have ever been established, while as early as 1922 some detail concerning suggested standards for state personnel was given.[26] Through amendments adopted in 1930, references to courses and teachers were removed from the National Act,[27] thus making the law conform to actual practice as it had developed.

Training has always been required to be definitely vocational in nature—designed to lead to a specific occupational objective—so that occupational therapy or training toward general cultural or avocational ends has never been approved. The federal agency has consistently urged the utilization of courses that are as brief, intensive, and specific as is consistent with thoroughness and has discouraged long professional courses and training of a general educational nature. This requirement, however, does not exclude "instruction for the disabled person in subjects related to vocational courses and given in conjunction with them."[28]

Training approved by the federal authority has never been restricted to courses taken in schools, and the use of ordinary business establishments, as well as of tutors and correspondence courses, is permitted. Employment training, or "training on the job," is, in general, advocated by the federal agency only when ordinary institutional training is not available. The advantages and disadvantages of employment training have always been recognized, but, whereas at one time the tendency seemed to be to stress its advantages,[29] at present its inherent difficulties are clearly stressed by the

[25] *Ibid.*, pp. 35–36.

[26] Federal Board for Vocational Education, *Handbook of Information for State Officials Cooperating in the Administration of the Vocational Rehabilitation Act* (Bull. 77 [1922]), pp. 40–41.

[27] Approved June 9, 1930, chap. 414, *United States Statutes at Large*, XLVI (71st Cong., 2d sess.) 524–26.

[28] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 21.

[29] Federal Board for Vocational Education, *Employment Training in Civilian Vocational Rehabilitation* (Bull. 110 [1926]), esp. pp. 32–36.

current statement of policies. Although "training for disabled persons must in many instances be provided in a commerical or industrial establishment," this statement points out that "care must be exercised to guard against exploitation of the trainee or of the rehabilitation department through unnecessary prolongation of training, unnecessary retention of the trainee on certain operations, and the use of the trainee on labor unrelated to the occupation for which he is supposed to receive his training." State rehabilitation departments are further warned that they "should constantly guard against trainers who are interested in securing labor at substandard wages."[30] Correspondence and extension courses, likewise, are advocated only when other training facilities are not available or as special instruction supplementary to other training.[31]

Expenditures for lip-reading instruction, when it is a desirable part of a rehabilitation plan, are permissible from matching funds. Speech correction, however, is usually disapproved, because "most speech defects are not due to physical defects but to emotional disturbances," and, consequently, the cost of speech-correction instruction would be a legitimate expenditure from matching funds only if definitely shown that the difficulty was physical in origin.[32]

It will be recalled that the National Rehabilitation Act contains a specific prohibition of the use of federal and matching funds by any institution for the handicapped except for those eligible for rehabilitation "as shall be determined by the Federal board."[33] The ruling on this point has always been designed to permit tuition payment to an institution for the handicapped only when training was being offered to a person not ordinarily eligible for admission according to the rules of the institution or when special training, not regularly available to the students of the institution, was offered to a client of the rehabilitation department. The actual phrasing of the policy has been strengthened and made more explicit as the policies have been revised.[34]

[30] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), pp. 22–23.

[31] *Ibid.*, p. 21. [32] *Ibid.*, p. 23. [33] *United States Statutes at Large*, XLI, 735.

[34] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 8, contains most recent statement.

Thus training for clients of rehabilitation departments is not restricted as to type or method used. Complete flexibility of selection of training on the basis of individual-case needs is permitted, and the training may be in any conceivable field, as long as it is training for a specific occupational objective in which placement is probable upon completion of the rehabilitation program. This is an important essential for the future growth and scientific development of rehabilitation, as experiment and sharing of experience among state rehabilitation agencies is thus encouraged.

b) *Supplies and equipment.*—The policy regarding expenditure of federal and matching funds for instructional supplies, equipment, and materials has remained the same since the beginning of the federal program, and, indeed, the present statement of policy is almost verbatim that of 1922.[35] For ordinary institutional training this means books and other necessary materials, depending on the course pursued, which are used during training and which are not ordinarily included in the tuition fees of the training agency. In the case of shop or employment training, supplies and equipment "that are necessary and reasonable in amount" constitute permissible expenditures provided that "the training agency could not reasonably be expected to furnish" them.[36]

For the client being trained in watchmaking, this means that he could be furnished with the many and rather costly small tools and equipment which neither schools nor jewelers ordinarily supply. Practice in the states has, of course, always varied a good deal as to the specific lists of tools furnished clients for this or similar courses. The federal policy which obtained from the beginning of the rehabilitation program until 1940, however, prohibited purchase of equipment not needed by the client during his training but necessary for his establishment in his vocation.

In 1940 this federal policy was revised to permit purchase with federal and matching state funds of this type of capital equipment, designated as "placement equipment." Thus the client trained in

[35] *Ibid.*, p. 16; cf. Federal Board for Vocational Education, *Handbook of Information* (Bull. 77 [1922]), p. 10.

[36] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), pp. 16–17.

watchmaking by the rehabilitation department or the client who comes to the department already trained may be assisted in the purchase of equipment necessary to securing employment or to setting up a shop of his own. The restrictions are that such expenditures be "reasonable in amount" and confined to tools and small equipment used in skilled-service occupations and that expenditures should not be made for overhead costs, such as rent and light. Specifically barred are expenditures for establishing clients in the professions or in enterprises involving the sale of goods.[37] Thus the dentist must look elsewhere for assistance in furnishing his office with chair and drill, and no help can be given to the would-be grocer in the purchase of his stock in trade. The client trained as a shoemaker can, however, be assisted in purchase of the equipment he needs to establish himself in a shop to repair shoes, but he must look elsewhere for funds to buy a stock of goods he may wish to offer for sale. These regulations appear most reasonable. In view of the lengthy and expensive training which leads to the professions, further assistance with office equipment might tend unfairly to reduce the number of clients who can be served.

c) Artificial appliances.—The artificial-appliance question has been something of a bête noire to both the federal and the state rehabilitation agencies. On the one hand, there can be no question that a man with one leg amputated and possessing neither an artificial leg nor the funds to buy one would be vocationally handicapped for placement in almost any occupation in which he must compete with the able-bodied. On the other hand, a state rehabilitation department would hardly be carrying out the spirit of the law if it became merely an agency for the purchase of artificial appliances. Most inflexible rules established to meet the latter danger would result in denial of service to some clients in every way eligible and with capacities which promise possibility of restoration to a "remunerative occupation."

One answer to this problem, which is more to be commended for administrative simplicity than as an equitable solution in all cases, is to consider the furnishing of artificial appliances outside the prov-

[37] U.S. Office of Education, "Amendments to Policies for Administration of Vocational Rehabilitation" (C.L. 2217), p. 4 (mimeo.).

ince of a rehabilitation program. It was essentially this course which the Federal Board followed in its first policies, issued in September, 1920. The Board took the position that ordinary appliances were "aids of a general nature, not specialized for any particular occupation" and, consequently, were to be regarded as physical, not vocational, rehabilitation. The only possible exceptions were indicated by the statement that "some instances may occur where specialized vocational prostheses can be used," and expenditures were declared to be permissible, "if in these instances they are real supplies of an instructional nature necessary for the individual in training."[38] Thus an artificial hand fitted with mechanical gripping devices might be a legitimate purchase for the man being trained in radio repair, but an artificial leg, being an "aid of a general nature," could not be purchased to enable a man to be trained as a civil engineer. In any event, it is difficult to conceive of prosthetic devices as instructional supplies.

This policy was short-lived and had already been changed when the next revision of policies was published in September, 1922. Expenditures for appliances were then declared to be permissible when an appliance was "essential to the vocational rehabilitation of the individual." Purchase of appliances, however, for physical reconstruction alone could not be made from federal or matching funds.[39] With the next published revision of policies in 1926, this position was not changed, but the statement of it was considerably amplified. The appliance should not only be necessary in the new occupation, but the providing of an appliance should be but "a minor incident" in a complete rehabilitation program. Federal and state money should be expended for appliances only when other possible resources for their purchase had been exhausted. The Board also noted the inadvisability of purchasing appliances early in the contact with the client, suggesting that "purchase should be delayed as long as possible in order that the case may become well established, the job objective fixed, and the integrity of the case in-

[38] Federal Board for Vocational Education, *Industrial Rehabilitation: A Statement of Policies* (Bull. 57 [1920]), p. 31.

[39] Federal Board for Vocational Education, *Handbook of Information* (Bull. 77 [1922]), p. 10.

sured"[40]—in other words, until successful placement and closure of the case was at hand.

In 1938 the policy regarding the provision of artificial appliances was further clarified by the statement:

> A client of a State rehabilitation service may be provided with an artificial appliance from matched funds when he—
>
> 1. Has a permanent physical disability which constitutes a vocational handicap.
>
> 2. Is unemployed, or is unsuitably employed.
>
> 3. Is to be prepared for normal full-time employment consistent with the case factors.
>
> 4. Is to be placed in suitable employment.[41]

Until 1940 repairs or renewals of appliances purchased by rehabilitation agencies were not permitted from federal funds, although repairs of appliances secured from other sources were permitted. In 1940 this policy was drastically revised to allow matched funds to be used for replacements and repairs of appliances originally purchased by state vocational rehabilitation departments.[42]

In addition to ordinary artificial limbs, hearing aids, trusses, or even elastic stockings are included among prostheses that may be purchased. Wheel chairs, however, cannot be purchased.

For the many thousands of persons for whom expensive artificial appliances are necessary, a complete solution cannot be offered by the federal and state rehabilitation programs. Even the man whose first appliance is purchased by his employer under a workmen's compensation law, which includes the furnishing of appliances, has to plan to purchase a new one in five to ten years. Perhaps a complete solution would be possible only under a system of health insurance which provided both original appliances and necessary repairs and replacements. The 1940 liberalization of federal rehabilitation policy, requiring only that state plans include the detailed policies under which the state service furnishes appliances and allowing re-

[40] Federal Board for Vocational Education, *Administration of Vocational Rehabilitation* (Bull. 113 [1927]), pp. 21–22.

[41] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 17.

[42] U.S. Office of Education, "Amendments to Policies for Administration of Vocational Rehabilitation" (C.L. 2217), p. 3 (mimeo.).

pairs and replacements, offers the states the opportunity of trying to achieve as equitable a solution as possible, while at the same time the necessity for approval of state plans for administration by the federal agency would seem to guard against any state service becoming an "appliance only" program. Under the present situation, perhaps, the federal policies now in effect are the best compromise that can be effected.

Although the federal policies seem to have been unduly restrictive in the past, there can be no question that the developments and improvements in rehabilitation personnel and techniques during the twenty years of the program offer a sounder basis than was available in 1920 for formulating policies to permit the providing of appliances where necessary for the vocational rehabilitation of the individual, yet safeguarding the total program against becoming only a financial adjunct of artificial-appliance companies. This can, however, offer little consolation to those clients who might have been assisted in this respect but who were in the past denied service. It is a very faint line which distinguishes between a vocational handicap and a handicap which, in accordance with the view of the Federal Rehabilitation Division, is merely an economic one, i.e., the lack of funds to buy an appliance by means of which one is able to pursue one's usual occupation. Undoubtedly many of the appliances which were furnished, in the view of the rehabilitation agency as a "minor incident in a vocational rehabilitation program," were to the recipient the major event of that program.

d) *Travel of clients.*—It has always been the policy of the federal agency to allow matched funds to be used for ordinary transportation expense of clients who must travel to training agencies. Travel expense for journeys to appliance companies for fittings or to doctors or psychologists for examinations are also permitted.

e) *Examinations.*—Medical, psychological, and psychiatric examinations are permissible expenditures as part of the case-work study to determine eligibility, capacity to utilize the service to be offered, and, finally, the form the service should take. It is an understatement to say that these expenditures are "permitted," because the federal agency actively urges the sometimes relucant state rehabilitation departments to utilize these aids to more scientific case-work

planning. A sharp distinction is drawn between diagnosis and treatment. Treatment constitutes physical restoration, not vocational rehabilitation, and may not be undertaken.[43]

f) Maintenance.—For twenty years the Federal Board for Vocational Education and its successor, the Office of Education, adhered to the policy of prohibiting the use of federal and matching state funds for the living expenses of clients during their "rehabilitation training." The result of this policy was to deny to clients the opportunity of receiving training unless they themselves possessed sufficient resources for their living expenses or unless some other agency or person was able and willing to provide the necessary funds, either at the client's own request or through the intervention of the rehabilitation agent. Those upon whom the effects of this prohibition worked most drastically were applicants who lived in localities in which there were no training facilities, so that they would have to live away from home during training. Victims of industrial accidents who were able to complete their training before their workmen's compensation payments ceased were fortunate indeed. A few rehabilitation departments had state funds for maintenance.

It is difficult to accept this ruling as logical, when, at the same time, the Federal Board was steadfastly emphasizing vocational training as the fundamental basis for a sound rehabilitation program. To make training possible for larger numbers would have constituted the most constructive method of increasing the number of clients receiving training at the expense of those "appliance only" cases, which were borderline cases from the point of view of eligibility and which the federal agency discouraged the state services from accepting.

Authority to make this prohibition would appear to be based upon section 4 of the National Rehabilitation Act, which authorizes the Federal Board "to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this Act." This same section empowers the Federal Board to examine and approve state plans and to withhold allotment of funds to states not conforming to the National Act in their expenditures

[43] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), p. 18.

of matched funds.[44] Nowhere in the Rehabilitation Act, however, is there any specific limitation as to the compass of the work to be undertaken, except that its broad object should be placement of the disabled in employment.

In fact, when an opinion[45] on this point was sought from the solicitor of the Department of the Interior, the solicitor found from his reading of the law that the "act is clearly ambiguous as to the purposes for which funds may be expended in vocationally rehabilitating disabled persons." This opinion was not secured by the Office of Education until 1936, when the National Rehabilitation Association was pressing for revision of federal policy to permit use of matched funds for maintenance payments.

After quoting the purpose of the act and the provision that " 'rehabilitation' shall be construed to mean the rendering of a person disabled fit to engaged in a remunerative occupation" and finding the law "clearly ambiguous," the opinion further states that "in such case recourse may and should be had to the legislative history of the act to determine the intent of Congress." The opinion is more interesting for legislative history omitted than for the few statements included. All that was included was the following:

> The following statements made by the sponsors[46] of the legislation in the House of Representatives are pertinent:
>
> MR. SMITH OF MICHIGAN: It is the purpose of this bill, or one of the purposes, to provide compensation for disabled persons?
>
> MR. FESS: Oh, no.
>
> MR. SMITH OF MICHIGAN: Suppose he did not have money enough to go to school?
>
> MR. FESS: He would be unfortunate, that is all. (58 Cong. Rec. 6656)
>
> MR. LAYTON: What I would like to understand is whether or not there will be any provision at all for the disabled man who is not able, unless he can live without food and clothes, to get this vocational training.
>
> MR. FESS: We make no provision at all for the payment of money to anyone.

[44] *United States Statutes at Large*, XLI, 736.

[45] This opinion was published in "Digest of Annual Reports of State Boards for Vocational Education to the Office of Education, Division of Vocational Education, Fiscal Year Ended June 30, 1937," January, 1938, pp. 69–70 (mimeo.).

[46] Representatives Fess and Towner were active sponsors of the measure in the House.

MR. LAYTON: That man or woman who is able to maintain himself or herself in the meantime can take advantage of the vocational training.

MR. FESS: That is one of the inequalities of life that you cannot correct by law. (58 Cong. Rec. 6657)

MR. BROOKS OF ILLINOIS: Supposing a man who is crippled has not any money with which to pay his expenses at this school where the tuition is free?

MR. TOWNER: In all probability that man will be taken care of by the State. (58 Cong. 6746)

The conclusion of the solicitor of the Department of the Interior was as follows:

Thus, it can be seen that it was not intended by the basic act to make funds available for the maintenance of the persons receiving vocational training. The amendatory acts do not broaden the scope of the basic act in this respect.

It is my opinion, therefore, that vocational rehabilitation funds may not be used for the living maintenance of disabled persons eligible and feasible of vocational rehabilitation under the act of June 2, 1920, as amended, for the period during which they receive training under the supervision of the State Rehabilitation Department.

The opinion failed to include the following discussion, which occurred the next day of debate on the measure, when Representative Blanton, of Texas, suggested an amendment under the terms of which free tuition in rehabilitation schools would be available only to those without funds and requiring that persons who had received compensation for their injuries pay "reasonable tuition." Representative Fess at once objected to the inclusion of the element of compensation. Then occurred the following:

MR. ROSE: I was present the other day during the colloquy between the gentleman from Ohio [Mr. Fess] and the gentleman from Michigan [Mr. Smith], and now we have the amendment offered by the gentleman from Texas [Mr. Blanton]. I would like to have the gentleman from Ohio explain the colloquy between himself and the gentleman from Michigan the other day.[47]

MR. FESS: The gentleman from Texas thinks the Federal Government ought to assist the poor cripple to get into the school by paying his allowance while he is in there.

MR. BLANTON: I hope the gentleman will not misconstrue my statement. I provide for no allowance, but merely for the tuition. No allowance whatever.

MR. FESS: The tuition is not charged to anyone unless the State itself will charge it, and that would have to be on approval of the Federal board. The

[47] See above in the first quotation included in the opinion of the solicitor.

gentleman's amendment, if he does not mean to support the individual in the school, does not add anything to the bill.

MR. BLANTON: Nothing but his tuition and *board;* no allowance whatever.

MR. FESS: The *board may be allowed* providing the State that is directing the school would permit it, but that would have to be with the approval of the Federal board.[48]

This discussion demonstrated, more than anything else, that the proponents of rehabilitation legislation were at that time thinking in terms of schools, and even resident schools, directly administered by state rehabilitation departments. As such schools did not develop, there would seem to be little difference between providing board in a rehabilitation school and paying for the board as well as the tuition for a student being trained under the supervision of a rehabilitation department. The distinction drawn in the debate between board and an allowance probably was based upon the liberal allowances which were then being paid to disabled soldiers in training under the Soldier Rehabilitation Act and which provided both for the soldier or sailor himself and for his dependents.

Furthermore, the solicitor's opinion failed to point out that the bill then being debated in the House of Representatives did not contain the inclusive definition of rehabilitation which was found so ambiguous. The following legislative history would also appear to be pertinent. When the House passed the Fess bill in October, 1919, and forwarded it to the upper house for approval, the Senate struck out all but the enacting clause and substituted the wording of the Kenyon bill, which it had passed in June, 1919. Unanimous consent to have a conference to resolve the differences between the two houses was denied by an opponent of the measure, so Representative Fess brought the bill with the Senate's single, sweeping amendment directly to the floor of the House and obtained approval of the measure as amended by the Senate. Thus, although technically it was a House bill which became law in June, 1920, it was in reality the wording of the bill first passed by the Senate.[49]

After the adoption of the Smoot amendment broadly defining re-

[48] *Congressional Record*, LVIII (October 14, 1919), 6905. (Italics inserted.)

[49] *Ibid.*, October 17, 1919, p. 7079; October 18, 1919, p. 7105; *ibid.*, LIX (January 10, 1920), 1312; April 12, 1920, pp. 5535–36; April 23, 1920, p. 6104; May 25, 1920, pp. 7593–7603.

habilitation, the Senate gave almost no consideration to the scope of the bill but concentrated its attention on the appropriation to be made to the Federal Board for administration. Thus, there is no evidence as to whether or not the Senate intended to broaden the scope of the bill by adoption of this amendment. No discussion of it preceded its adoption.[50]

At the time Representative Fess took up the Senate amendment (i.e., substitution of the Senate bill) on the House floor, he stated that the bill as amended by the Senate was "virtually the same as the House bill, differing only in minor details."[51] His assertion should not be taken literally, however, because the Senate and House bills differed in other very important particulars. For example, the House measure restricted eligibility to those disabled in employment accidents; the Senate bill included all the disabled, whatever the cause, including those disabled by disease or congenital causes. The House measure restricted extension of the service to those in financial need; the Senate bill included no "means test."

It seems reasonable to conclude, therefore, that this opinion of the solicitor of the Department of the Interior was shaped to conform to the established policy of the federal administrative agency. This conclusion is scarcely to be questioned now, since the Office of Education recently sanctioned expenditures of federal and matching state funds for the living maintenance of persons in rehabilitation training. There has been no amendment to the law to make this change possible; revision of federal policy alone has been responsible. Undoubtedly legal advice was sought before the amended policies were issued, but thus far no legal opinion has been published as a sequel to that of 1936.

This liberalized policy was adopted in 1940 at the same time that changes were made in the policies regarding placement equipment and artificial appliances. The new policy stated in full is as follows:

> The Office of Education permits expenditure of matched funds for living maintenance of rehabilitation clients undergoing training under the following conditions:

[50] *Ibid.*, LVIII (June 20, 1919), 1458; June 21, 1919, pp. 1494–1502.

[51] *Ibid.*, LIX (May 25, 1919), 7593.

1. The payment of maintenance shall be made on the basis of financial need of the trainee

2. Maintenance shall be paid for a trainee only when actually pursuing vocational training courses in training institutions, or in business, commercial or industrial establishments

3. The State board shall set forth in its State plan the policies of the Board established to govern the payment of maintenance for individual trainees[52]

There are, consequently, only three federal restrictions placed upon the granting of living maintenance to their clients by state rehabilitation agencies, and all of these are essential. There can be no question of the desirability of restricting the allowance of maintenance to those who cannot meet their own living expenses while in training. It is obviously not a vocational rehabilitation function to care for the living expenses of clients who are not actually in training (those awaiting placement, for example). To pay maintenance for clients taking correspondence courses or those working with tutors who arrange their own hours of study would probably be quite unworkable administratively. The requirement, therefore, that payments shall be limited to grants to clients in school or employment training appears sound. Finally, the requirement that the state boards incorporate maintenance policies in their state plans for administration is a safeguard to some extent against states granting maintenance according to an undesirable plan or according to no plan at all.

The states are left free to decide upon the maximum amount to be allowed for living maintenance, and what exceptions, if any, are to be made to the established maximum. It would appear desirable for the federal authority in its examination of state plans to insist upon a reasonable maximum for the weekly allowance, neither extravagantly high nor so low as to preclude adequacy, and not so inflexible as to make impossible legitimate exceptions. It is to be hoped that the federal agency will insist upon maintenance being granted upon the basis of the deficiency in a reasonable budget.

The states must also decide concerning the type of investigation to determine the client's financial need. Rehabilitation departments which did not administer a state maintenance program are now

[52] U.S. Office of Education, "Amendments to Policies for Administration of Vocational Rehabilitation" (C.L. 2217), p. 4. (Mimeographed.)

confronted with a multitude of new decisions regarding "when" and "where" maintenance should be granted.[53]

g) Physical restoration.—Federal policy prohibits the expenditure of matched funds to provide medical or surgical treatment for disabled persons in order to ameliorate or remove permanent physical disabilities which handicap them vocationally. Because physical restoration is so often necessary, however, before vocational training or placement can be undertaken, the federal administrative agency has always maintained that state rehabilitation departments should take some responsibility for *securing* medical or surgical treatment, although this service cannot be *purchased* with federal or matching state funds. A sharp distinction has always been drawn by the federal authority between physical and vocational rehabilitation. When explanation of this distinction is attempted, however, the distinction itself becomes less sharp and clear.

Pointing out that "in practice there are two relationships between physical restoration and vocational rehabilitation," a recent federal bulletin explained that "in one case physical restoration may in itself be vocational rehabilitation; in the other it may be incidental to vocational rehabilitation." Two illustrations were given:

> A salesman could not continue at his work because of a severe accident to his right leg which resulted in ankylosis of the knee joint, making it very difficult for him to walk. A surgical operation restored ability to walk and the occupation was resumed. A young lady 20 years of age had never been employed because of infantile paralysis affecting the left leg, walking being possible with the aid of a brace and crutches. Notwithstanding a successful operation that made the use of even a brace unnecessary, she could not secure employment because she had never been trained for a vocation. A course in stenography enabled her to secure profitable employment. In the second instance physical restoration did not of itself bring about vocational rehabilitation, although it was a logical antecedent to vocational rehabilitation.[54]

[53] In deciding upon maintenance policies and problems, appointment by the states of an advisory committee composed of persons experienced in social welfare administration, when the rehabilitation department itself has no professionally trained social workers on its staff, would probably be desirable. Furthermore, the Office of Education might well make use of the social service experts employed in the other divisions of the Federal Security Agency in its examination of state plans regarding maintenance.

[54] U.S. Office of Education, *Vocational Rehabilitation of the Physically Handicapped* (Vocational Education Bull. 190 [1936]), pp. 37–38.

If the girl in this illustration had needed not an operation but a new or improved type of brace for her left leg, it could have been purchased for her by the rehabilitation department. Is the purchase of an orthopedic operation greatly different from the purchase of an artificial appliance in this respect?

The importance of securing whatever corrective treatment is possible as the first step in a rehabilitation plan is and always has been stressed by the federal agency in its statements of policy. Except for the prohibition of expenditures from matched funds for physical restoration, however, federal policies in this respect are not specific. Close co-operation with agencies offering physical restoration is stated to be necessary if the rehabilitation department is to function effectively. With the exception of some detail with regard to co-operation with crippled children's agencies, however, no explanation is given of the extent to which this co-operation should be carried or of the responsibilities the state rehabilitation department should assume in seeing to it that the best corrective treatment is obtained for the disabled person.[55]

The federal crippled children's program has extended corrective treatment to many children who later receive vocational training and other services from rehabilitation departments. Indeed, under the terms of the Social Security Act, state agencies receiving federal funds for crippled children's services are required to provide in their state plans for co-operation with state rehabilitation agencies.[56] The extension of federal aid for this service was based upon the fact that the need for it was not being met, and this program has been a solution for the problem of securing corrective treatment for a large group. The need remains unmet for many persons, especially adults, whom rehabilitation departments seek to serve.

Rehabilitation departments should assume direct responsibility for securing for their clients as complete physical restoration as is possible, by purchase if necessary. If rehabilitation departments

[55] U.S. Office of Education, *Administration of Vocational Rehabilitation* (Vocational Division Bull. 113 [rev. ed., 1938]), pp. 13, 21, 25, 28–29.

[56] Chap. 531, Title V, sec. 513, *United States Statutes at Large*, XLIX (74th Cong., 1st sess.), 632. Co-operation is confined to children between the lower-age limit for rehabilitation departments and the upper-age limit of twenty-one for crippled children's agencies.

were to purchase corrective treatment for their clients, the provision of it should be safeguarded and closely supervised by a medical advisory committee composed of specialists recognized by the medical profession. Although this article does not include discussion of the co-operative relationships between rehabilitation departments and other agencies, it might be noted that effective co-operation, in any event, requires mutual understanding and respect, and since the securing of corrective treatment is a medical problem, effective co-operation can be achieved in this area only through a responsible medical advisory committee.

If rehabilitation is really to mean "the rendering of a person disabled fit to engaged in a remunerative occupation," this gap in the service must be closed. The federal-state, vocational rehabilitation program will not be adequate until it is prepared to render directly to the person who is vocationally handicapped by a permanent physical disability all those services that are necessary in order to equip him for and place him in regular employment. It is to be hoped that the federal authority will provide more vigorous leadership in the future in insuring that physical restoration, a most straightforward form of rehabilitation, is available when necessary.

CONCLUSIONS

Eligibility for vocational rehabilitation under the National Act depends not upon the degree of permanent physical disability but upon the vocational consequences of that disability. Thus the person whose disability may be a severe one is not eligible unless it interferes with his old vocation. A young person who has never worked is eligible if his disability is one which ordinarily lessens normal vocational opportunity. The states may, of course, establish their own detailed requirements. The whole program is directed toward the placement of the disabled person in regular, full-time employment in competition with the able-bodied.

Federal funds may be used for vocational training and the supplies necessary in the training; for artificial appliances, when part of a comprehensive plan of rehabilitation; for travel of clients; for their living expenses during training; and, finally, for placement equipment in skilled-service occupations. Federal funds may be used for

examinations of applicants to determine their eligibility and capacity to utilize the service and to aid in deciding upon the program most suitable for them. Federal funds may not be used, however, to ameliorate or remove permanent physical disabilities by means of medical or surgical treatment. This is the one important gap in the federally aided program of vocational rehabilitation. This gap remains to be closed before the program can be regarded as complete.

Federal policies have been subjected to continual review, and they have been gradually liberalized through the twenty years of the rehabilitation program. Changes have been based upon experience, and consultation with state rehabilitation officials have always preceded revisions. In evaluating the policies in retrospect, it must constantly be remembered that vocational rehabilitation was a new field in 1920 when federal aid was extended. At that time, although twelve states had passed rehabilitation laws, only six states had begun rehabilitation work, and no program had been in operation for a full two years. The federal agency was therefore called upon to establish policies with almost nothing to guide it.

It is fortunate that the problem was seen as one of individual adjustment at the beginning and that the states were encouraged to use existing training facilities rather than establish training centers for groups. Perhaps it is because the administration of vocational rehabilitation was placed in educational agencies both in the federal and in the state governments that federal policies regarding training have always been the most liberal.

The improvements in technique during the twenty years of the program, the better-qualified personnel now in the state services, and important developments in related fields, such as in vocational guidance, make it probable that vocational rehabilitation will develop rapidly during the next few years. The 1940 liberalization of federal policies, moreover, appears to offer a sound basis for expansion of the service. With increased federal funds available and with the present increasing demand for skilled labor, rehabilitation departments should be able effectively to serve larger numbers of the disabled.

UNIVERSITY OF CHICAGO

RESEARCH A TOOL OF THE ADMINISTRATOR[1]

GEORGE KEITH

I HAVE been asked to discuss the administrator's need for an understanding of research problems. Before discussing the need for an understanding, I should like to discuss the administrator's understanding of what constitutes research.

First, I should like to establish the following. In his day-to-day experiences the administrator in the field of social welfare comes to realize fully that there neither is nor can be such a thing as purely "theoretical research" or, as it is often erroneously termed, "research for research's sake." This type of research, if it ever existed, disappeared with the leisure class. The solution of jigsaw or cross-word puzzles is not research. The research man, whether he does it consciously or not, must direct his work toward an acceptably meritorious goal if his work is to be honored with the title of research. Research is the process of collecting, analyzing, interpreting, and presenting information in order to bring the weight of that information to bear effectively on a specific problem. The ultimate goal of all our work and thinking in the field of social welfare is the development, planning, and administration of the various programs to meet the social needs of the community. These being administrative problems, all research carried on by administrative agencies in the field of social welfare must, therefore, be directed toward an administrative end. All workers in the field of social welfare, including the administrator, must recognize this situation if they are to appreciate the "need" for an understanding of research at all its levels.

It is obvious that there are various types of research problems involving wide variations in subject matter, requiring various levels of research effort, and necessitating flexibility in approach, techniques, and width and depth of the undertaking. The various levels of research are parts of one whole, one as important as the other,

[1] A paper read at the annual meeting of the American Association of Schools of Social Work, Chicago, January 31, 1941. The series of papers on research will be available, together, in reprint form.

each depending upon the other. They are simply separate steps in the field.

The collection of periodic data and its interpretation in day-to-day reports for the use of the administrator and other workers in the field of social welfare is as important a phase of research as the formalized dissertation of the college professor or student. It is research, despite the opinion of the exponents of formalized research, not only because it utilizes the techniques and processes of research but because its goal is to bring the weight of information to bear upon administrative decisions. The results may never be published and sometimes not even written out, but their weight in council has more direct and significant effect upon the successful development and growth of our social welfare programs than any other phase of research. This type of inquiry is directed toward supplying answers to the questions which the administrator and other workers in the field of social welfare meet in the regular routine of their work. How many cases must we handle next month? How much money must be available next month? How much personnel must we put in the field next month? Is there a basic change in the composition of our case load requiring a change in approach? These are not special problems. They are the day-to-day job itself.

The next type of problem necessitating research includes the special problems that arise almost daily in social welfare work. What problems in our specific field are precipitated by a change in either the law or the procedure in a related field? Will the relief load be noticeably affected by the change from a three- to a two-week waiting period in the unemployment compensation law? To what extent will the eighteen-month rule of the W.P.A. affect the general relief load? What has caused a sudden increase or decrease in the volume of relief cases or expenditure in a particular locality? What characteristics of our case load are most significant in trying to measure its permanency? Can County A reduce its expenditures by an integration of administrative agencies in the public welfare field? A committee from one county board recently demanded that the state department give them an answer to that. We therefore asked one of our district representatives, who was already on a special assignment, to report on that job the next morning. We sent with him one

of our district auditors. We shall be able to tell the county board what they can do if they carry through this procedure. This district representative is attempting to do a job of research in my opinion. If the old age assistance lien law is repealed or the responsibility of relatives is eliminated, how many cases will be added and what additional moneys will be needed? If the one-year eligibility provision in our aid to dependent children law were reduced to three months, what would be the result in cases and dollars? Is our standard budget applicable throughout the state at this time or should it be revised? And so on, *ad infinitum*. These problems come up daily; and daily our staffs try to provide answers. A specific and immediate answer is demanded. We cannot wait for the results of an exhaustive study of the subject. The collection, interpretation, and presentation of data must bear directly upon the question, supplying no more, but no less, information than is essential to answering the question with a degree of accuracy required in that particular situation and at that particular time. This type of research is of immeasurable value to the administrator since it sheds light on a particular problem that he faces and thus facilitates a more intelligent or efficient or economical treatment of the problem. Often a quick preliminary survey is made just to indicate the probable trend of the data so that immediate administrative action can be started in the right direction, the more complete analyses to follow and, in turn, help direct further administrative steps. Much of this research would not be acceptable for Ph.D. or Master's dissertations, and some would be frowned upon even for "papers" presented for class requirements. But to the administrator who has to make an immediate decision this type of research is often most valuable.

From time to time public agencies must undertake more comprehensive studies. The other day my superior, Mr. Klode, director of the State Department of Public Welfare for Wisconsin, confronted me with the question "What is research?" I pointed out that it involves the accumulation of data and the analysis of data relating to a particular problem in an effort to study developments and point the finger at needed changes or improvements. I mentioned that he had some months ago directed the conduct of a study of juvenile delinquency. In effect this is a very comprehensive piece of research into

the nature and causes and extent of juvenile delinquency in Wisconsin on a state-wide basis. It has sought to discover variations of the problem as between different areas and in methods of treatment and possible improvements in services, including better utilization of all existing community resources interested in child welfare and juvenile probation.

In my special field of public assistance we feel the need for a great deal of research at the present time. We are now conducting research into the cost of administration and distribution of expenditures between programs of integrated agencies, particularly because of a requirement of the Social Security Board in determining federal participation in the cost of administration. We have done something in the matter of studying causes of incapacitation of fathers of families who have applied for and been granted aid to dependent children. Annually we make an attempt to appraise the financial abilities of the various county governments of the state to finance their own public assistance and general public relief burdens. We have made studies of the problem of providing and financing medical care for recipients of the social security aids. We have studied the effect of the old age assistance program on the population of poor homes. We would like to do a thoroughgoing job of research as to the need for a program of providing hospitals or homes for the increasing numbers of aged persons in our population who cannot be suitably provided for through old age assistance or general relief. We expect shortly to launch into a state-wide census of our public assistance cases in an effort to ascertain variations in standards of assistance, causes of dependency, presence or absence of employable members, duplications of service by agencies, and other information necessary for intelligent administration of the programs. This project should, if it accomplishes what we anticipate, provide material of great value for many purposes. It should facilitate making estimates and plans for future needs and should assist in documenting recommendations for changes in legislation. In a public agency, research quite often goes hand in hand with proposed or recommended developments in legislation. Why do relief expenditures stay up? I notice that the governor in this state is going to pay attention to that problem too.

Then there is the more formalized research of the university, the

Russell Sage Foundation, the Social Science Research Council, and other organized research agencies. Thorstein Veblen has suggested that the best type of research gives rein to the spirit of idle curiosity enjoying an untrammeled view of the entire field and the opportunity for empiric selection of whatever is likely to produce the most satisfying result. Note that this also is not "research for the sake of research" but rather "to produce the most satisfying result." The administrator in the field of social welfare is not unmindful of the need for this type of research. As a matter of fact, he depends upon it for setting up his broader goals and implementing broader administrative decisions. It is this type of research which takes the data collected by the first two types, fills in the necessary gaps, and summarizes and interprets the whole toward a fuller and better understanding of the broader problems confronting the administrator and the legislative and policy-making bodies. It then becomes the function of the legislative and policy-making bodies to revise the social welfare programs and review their broad policies and goals in the light of this information, and it is the duty of the administrator and his staff to translate these new policies through the administrative process. These changes, in turn, generate numerous new problems demanding reanalysis of periodic data and an intensification of work in the special studies, whereupon the cycle is again under way. No one person directs this cycle, but rather the needs and demands of the social welfare field keep it in perpetual motion. The whole process is stimulated and accelerated by intelligent appreciation of its value.

The administrator is mindful of the old story as to whether the eyes, the ears, or the legs are the most important to a man. He wants no part of the argument as to which of the various phases of research—formalized, special studies, or interpretation of periodic data—is the most important. I want to emphasize here that the administrator in the field of social welfare knows by experience that, no matter how well formulated the general policies are, they are shorn of their value unless these policies are interpreted into correct day-by-day administrative decisions. Mindful of the danger of belaboring the point, I again repeat that to the administrator all phases of research are not only important but essential and none

stands without the other. He appreciates the fact that all are complementary parts of the whole. This demands a close collaboration between the research workers at their various levels and these, in turn, with all workers in the field of public welfare.

My basic philosophy in this whole problem is perhaps colored to a great extent by what we have in the past mistakenly or otherwise called the "Wisconsin idea." Over many decades the University of Wisconsin has collaborated with the other arms of the state government in the conduct of research into all phases of the state's life—industry, agriculture, game propagation, conservation, fisheries, public finance, and the all-important problems relating to public welfare. It is our idea that government is a creature and servant of the people intended to assist them in meeting their needs. As our governor in his message to the legislators said the other day, "The people are the stockholders of this great corporation known as Wisconsin."

Problems of government agencies change, as we well know, in this period of emphasis on national defense. Eighty or ninety years ago the Wisconsin legislature was concerned with enacting laws to deal with the simple frontier agricultural society then existing. If we go back a little over one hundred and fifty years to the writing of the Constitution of the United States, the founding fathers were dwellers in a much less intricate industrial society than we have today. Eighty or ninety years ago the Wisconsin legislature was providing methods of taxing and regulating plank-road companies and toll-road companies. A few years ago such legislation was removed from the statutes, being obsolete. As Roscoe Pound has well pointed out in his book *The Spirit of the Common Law*, there is a considerable lag of laws and judicial interpretations behind general knowledge and acceptance of the existence of a problem about which something must be done. It is not the function of a government agency to enact legislation, but I deem it to be the function of the government agencies to be forward looking. I feel it to be incumbent upon government agencies to be alert to economic and social changes and to attempt to keep step with social change by adopting improved methods, discarding obsolete methods, and assisting in securing desirable improvements by providing the information which will support legislative changes. If the governing philosophy of the agency

is solely that of attempting to survive, its social accomplishment over any period of time is sure to lack significance. It is my considered judgment that no public agency can indefinitely justify its existence by a mere routine performance of the duties and functions vested in it by statute. Were I the executive head of a government and confronted with a problem about which information is needed and should I find the government agency supposed to be dealing with that problem either unaware of its existence or unwilling to anticipate a need for information about it, I should seriously question the justification for that agency's continued existence or at least for the continuance in office of the responsible heads of the agency. I believe it to be the responsibility and duty of any sound public agency to develop information, to conduct research into live problems and public interest within its territory of activity, and to co-operate fully with all other agencies, including the educational institutions, in furthering the development of such information as could be valuable to policy-making officials and to the legislative and executive branches of the state as and when the situation calls for action.

In the limited time at my disposal I have attempted to touch on the philosophy of research by public welfare agencies as I see it. There is one more point that I should like to touch upon, and that is the importance of a research attitude on the part of all workers in the field of social welfare if their work is to be successful. I believe that the commonly accepted and somewhat erroneous concept of research as a formalized process has had much to do with the popular mistrust of the term "research." Research attitudes and research techniques are not the sole property of the research and statistics section of our division. We retain three full-time attorneys, more than half of whose time is devoted to research into various phases of law toward the end of simplifying, clarifying, and standardizing our administrative processes. We have a "policies and procedures" division, retaining six full-time people who devote most of their time to research into ways and means of better serving our clients—developing better procedures for case-recording and preparing the instructions which embody such findings. We have a field staff of eleven persons, much of whose time is devoted to research into local agency problems of finance, planning, and administration. Every member of our staff, I

hope, constantly employs the research attitude in his or her work. More often than not it is the individual member of the staff—the visitor, the field worker, the attorney, the accountant, the statistician, and even the clerk and the stenographer—who raises questions needing solution and, more important, offers the solution. It is the function of the administrator, first, to see that all available energies are utilized to define the problem; second, to bring all possible information to bear upon it; and, third, to convert the findings into administrative action. It is because of this that I feel that every worker in our field, from the visitor to the administrator, to be effective must have a research attitude toward his work. Unless that worker is not only willing but determined to bring the weight of all available information on every question that confronts him in his daily work (and if he is an intelligent worker there are hundreds of questions a day), the work becomes completely stereotyped and not worthy of the term "social service."

Our chief attorney for several years was concerned with devising what was to him an acceptable definition of case work. He eventually came in and said, "I have worked out one which suits me—case work begins with investigation, is followed by diagnosis, and is completed by treatment."

In conclusion, it seems to me that schools of social work have, as part of their program of training and equipping students with basic techniques and awareness of resources, the responsibility (and I consider it a very important responsibility) of inoculating their students with at least a mild interest in the research process and an understanding of its use as a tool in the doing of the job.

WISCONSIN DEPARTMENT OF PUBLIC WELFARE

NOTES AND COMMENT BY THE EDITOR

CHARLOTTE WHITTON: CANADA'S WELFARE AMBASSADOR EXTRAORDINARY

CHARLOTTE WHITTON has been a welcome and tonic guest at many American welfare conferences during the period of more than two decades that she has been active in social work. Her addresses during the past year at the White House Conference, at the American Public Welfare Conference last December, and quite recently at the Midwestern Regional Child Welfare Conference will be long remembered by those who were privileged to hear her. She not only speaks with the moving appeal which those who are close to the suffering of the war have for us all, but she is clear and courageous in setting out the continuing needs of the welfare services and the responsibilities of a democracy in maintaining the welfare of the people at home as the first line of defense.

Miss Whitton is one of the most distinguished of the Canadian University women, a graduate of Queen's University, from which she holds the A.M. degree. She has been honored in her own country by the D.C.L. degree from King's College and with royal recognition as a Commander of the British Empire. She has served for the last twelve years as a member of the Board of Trustees of Queen's University and has had many responsibilities for broadening opportunities for university women in Canada.

Her first social work was undertaken as "honorary secretary" and then as executive secretary of the Canadian Social Service Council. For a period of four years she held an important civil service post under the Ministry of Trade and Commerce, and her present extensive knowledge of the Canadian provinces from coast to coast, her grasp of public finance, taxation, and of the possibilities of financing the welfare program are due in part to her experience and training in the field of industrial and trade statistics. Americans came to know her first in 1924, when the National Conference of Social Work went back for a Canadian meeting in Toronto, but her vigor and clarity of thinking were perhaps first recognized by members of our group when Grace Abbott worked out the plan to have a Canadian delegate given a place on the League of Nations Child Welfare Committee, later the Social Questions Section of the League of

ARLIEN JOHNSON

Dean, Graduate School of Social Work, University of Southern California
Re-elected President of the American Association of Schools of Social Work

(See p. 337)

Nations, and Charlotte Whitton began her long series of pilgrimages to Geneva. Social workers like Julia Lathrop and Grace Abbott, who had no easy task in dealing with some of the powerful men delegates from important European countries at Geneva, found Charlotte Whitton a person of great understanding who could give courageous and continued support at difficult times and in stormy sessions. Julia Lathrop, Grace Abbott, and Charlotte Whitton "spoke the same language" in Geneva and worked together to try to build a competent "social studies section" when the world's politicians were against them.

In 1926 Miss Whitton became secretary of the Canadian Council on Child Welfare, which later became the Canadian Welfare Council (Council House, Ottawa) of which she is still secretary. Every school of social work ought to have in its library the publications of the Canadian Welfare Council, especially those that have been issued in the past year. The 1941 publication *Into High Gear* is described as a year-end appraisal of Canadian welfare and community problems as Canada's war effort steadily gathers momentum. There is also an excellent monograph ("Military Service Memorandum No. II" [1941]) on the administration of dependents' allowances to the military forces of Canada. And then there is the monograph entitled *Plans for the Re-establishment of the Ex-servicemen of the Present War* ("Military Service Memorandum No. III" [1941]).

Miss Whitton has been editor of the *Canadian Welfare Summary* and the various Canadian Welfare Council publications over the years, and has been one of the lecturers in the two Canadian schools of social work at Montreal and the University of Toronto. It is to be hoped that other social-work groups will have the privilege of meeting and hearing Miss Whitton in this period that is so full of difficulties for all of us, whether we are belligerents or not. Her earnest, honest, forthright appeal for a democratic rebuilding of the post-war world gives us new courage and hope.

RECENT STATISTICS FROM THE PROFESSIONAL SCHOOLS

THE president of the American Association of Schools of Social Work, Dr. Arlien Johnson, and the secretary, Dr. Marion Hathway, have released the statistical report for the year 1939–40, based on returns from forty different accredited institutions, together with data regarding students registered on November 1, 1940. This report includes the returns from twenty-six schools of social work, six departments of social work,

five "divisions" of social work, one training course in social work, one curriculum in social work, and one "graduate course in social work." The list of accredited members in each class is given below. Those accredited only as one-year schools or one-year programs are starred.

GRADUATE SCHOOLS OF SOCIAL WORK (26)

TWO-YEAR SCHOOLS = 23
ONE-YEAR PROGRAM = 3

Atlanta University
Boston College
Boston University
University of Buffalo
Catholic University of America
University of Chicago
Fordham University
*Louisiana State University
Loyola University
Montreal School of Social Work
National Catholic School
University of Nebraska
New York (Columbia)
Ohio State University
*University of Oklahoma
University of Pennsylvania
University of Pittsburgh
St. Louis University
Simmons College
Smith College
University of Southern California
Tulane University
*University of Utah
University of Washington
Western Reserve University
College of William and Mary

GRADUATE DEPARTMENTS OF SOCIAL WORK (6)

Bryn Mawr College
University of California
Carnegie Institute of Technology
University of Denver
University of Toronto
Washington University

GRADUATE "DIVISIONS" OF SOCIAL WORK (5)

*Howard University
University of Iowa
University of Louisville
Northwestern University
University of North Carolina

CURRICULUM IN SOCIAL WORK (1)

University of Michigan

GRADUATE COURSE IN SOCIAL WORK (1)

University of Minnesota

TRAINING COURSE FOR SOCIAL WORK (1)

Indiana University

All the American member institutions are a part of or affiliated with an American university or are connected with American colleges; twelve are in state universities, one is in a municipal university, six are sectarian. One of the two Canadian schools is not part of a university.

The number of full-time and part-time graduate students registered

in the accredited schools on November 1, 1940, is shown in Table 1. Of the forty accredited schools there were, last November, eleven with fewer than twenty-five full-time graduate students each, and one with fewer than ten students. For the large urban schools the term "part-time students" is not altogether satisfactory since it includes both the workers in local agencies who are taking one or two hours a week and also the students who have completed the classroom and full-work programs and are staying on to finish a thesis. The students in the last category are really members of the "full-time" group, although they do not appear as "full-time" in the registration lists.

TABLE 1

FULL-TIME AND PART-TIME GRADUATE STUDENTS IN SCHOOLS OF SOCIAL WORK, NOVEMBER 1, 1932–40

YEAR	TOTAL NUMBER GRADUATE STUDENTS	NUMBER OF FULL-TIME GRADUATE STUDENTS			NUMBER OF PART-TIME GRADUATE STUDENTS
		Total	Men	Women	
(November 1)					
1940	4,899	2,622	650	1,972	2,277
1939	4,605	2,417	581	1,836	2,188
1938	4,418	2,147	491	1,656	2,271
1937	4,070*	1,985	381	1,604	2,085*
1936	4,125	1,864	359*	1,501*	2,261
1935	3,970	1,797	362	1,435	2,173
1934	3,910	1,940	402	1,538	1,970
1933	1,981	1,015	156	859	966
1932	1,569	936	153	783	633

* Incomplete because of "not reported" items.

In 1939 for the first time there were more graduate students taking full-time than part-time programs, and this relative decline in the number taking part-time work, which was maintained in 1940, is encouraging evidence of the general trend toward the stabilization of the programs of the professional schools.

There were very slight increases, as indicated by the registration of last November, both in full-time and in part-time students. Since the number of schools has increased slightly, it is probable that the registrations have been approximately the same over a period of three years. But over a period of nine years, it is important to note that the steady gains have been in the group of full-time graduate students. Since the great period of expansion began with the F.E.R.A. in 1933, the number

of full-time graduate students has increased at the almost spectacular rate of 160 per cent.

There is, moreover, ground for encouragement as to the substantial progress that has been made in the great increase in the number of students who have received higher degrees. Table 2 shows, for the last eight years, an increase of more than 135 per cent in the number of students who have completed a curriculum in graduate work and have received either a higher degree or a diploma or certificate. The term "higher degree" here includes the A.M. and Sc.M. degrees, Ph.D. degree, and the

TABLE 2

STUDENTS GRANTED HIGHER DEGREES IN SOCIAL WORK, 1932–40

YEAR	GRAND TOTAL	HIGHER DEGREES			DIPLOMAS OR CERTIFICATES		
		Total	Men	Women	Total	Men	Women
1939–1940.....	1,128	651*	145†	475†	477‡	95	382
1938–1939.....	1,159	612	156	456	547	100	447
1937–1938.....	998	598	149	449	400	71	329
1936–1937.....	828	445	114	331	383	65	318
1935–1936.....	763	354	70	284	409	56	353
1934–1935.....	528	239	33	206	289	38†	215†
1933–1934.....	420	150	22	128	270	31	239
1932–1933.....	475	189	30	159	286	34	252

* Six of these were Ph.D. degrees (four from the University of Chicago School and two from Catholic University).

† Incomplete because of "not reported" items. ‡ Three certificate students also received the M.A.

professional degrees of M.S.W. and M.S.S. The increase in the number of men receiving either a higher degree or a diploma continues to be very significant.

The report also shows that 480 students who were not registered were reported as "actively" at work on theses under the school's supervision, and since 430 were reported by 11 schools, it is clear that this represents a heavy burden that is being carried in some institutions.

The report continues to omit the total number of full-time graduate students enrolled during the academic year. Therefore, our Table 3, which is based on the total numbers registered annually and which is drawn from Table III in the report, includes an undetermined number of undergraduate students who clearly ought not to be included with the professional group.

The report also shows the impressive number of 115 students attending

the schools last November on public scholarships or "educational leave" from the public social services, and a large number (226) for 1939–40. Eight schools reported 394 students in extra-mural classes last November. The report also presents a table showing six schools with 707 extra-mural students in 1939–40, an indication of the effort being made by the schools to reach the workers who cannot leave their work, even for professional training. There is danger, of course, in the requests for extra-mural work, since all the schools are understaffed and have limited resources for the heavy burden of the work they must carry.

Finally, the report shows the large total of 6,257 students who were taking some work in one of the member institutions last November; and

TABLE 3

SCHOOL REGISTRATION, AUTUMN TERM, 1939 THROUGH SUMMER SESSION, 1940

Number of students	Number of Schools
Under 100 students	11
100 and less than 200	10
200 and less than 300	7
300 and less than 400	6
400 and less than 600	3
600 and less than 800	1
800 and less than 1,000	0
1,000 and over	2
Total	40

10,461 students, an unduplicated number of different students, who took some work in one of the accredited institutions during the year 1939–40. This means that the forty schools have worked to the limit of their respective capacities.

On the whole, the report gives reason for the friends of the schools to be greatly encouraged over the progress of the past few years, and certainly there is no reason for anything but encouragement over the present outlook.

REPORTS FROM THE FOOD STAMP FRONT

REPORTS from various sections of the country as to the operation of the Food Stamp Plan have indicated that both recipients and merchants prefer this system to that of general distribution of surplus commodities. In the case of recipients it has given them some selectivity

in the choice of foods and enabled them to make their own purchases when and as needed—just like other folks—through their grocers. Merchants have considered this plan satisfactory as it seemed to stimulate the regular trade channels. Administrators have found this an economical way of increasing food budgets, of raising dietary standards, and in some cases of providing aid where none would be available otherwise.

UNANIMOUS FOR THE FOOD STAMP PLAN.

—From the New Orleans Times-Picayune.

There has been considerable variation among the experimental systems, particularly with regard to the groups eligible to participate, the requirements for participation, and the extent to which participation is voluntary or compulsory. Inherent in these variations are discrepancies that should not be overlooked in the appraisal of the results. In spite of the positive advantages of food stamp plans, they operate under a system designed by the United States Department of Agriculture primarily to relieve farmers when normal distribution processes fail to function ade-

quately and the supplementation of inadequate relief is secondary or incidental. The limitations, therefore, call for careful study by social workers whose vision should not stop upon the periphery.

Where the issuance of blue stamps, which permit the purchase of surplus commodities, is contingent upon the purchase of orange stamps, this often means the recipient must choose between payment of rent or getting more food with, finally, eviction. The average general relief grants are so low that purchase of the required minimum amount of food stamps precludes procurement of other essentials such as medicine, clothing, fuel, and incidentals. In some instances families are excluded from participation if a member of the household is employed on W.P.A. or again where he might participate by purchase of orange stamps he is excluded because the needs of his large family make it impossible for him to bring in the required cash. Recognizing the serious consequences of inadequate and improper food, we cannot ignore the fact that the exigencies of life often place other items of the family budget in a comparable position with food. Under certain of the plans participation is largely compulsory and that portion of the family budget designated for food is issued in orange stamps automatically. In this case the family is not permitted to decide whether they will subsist on a less adequate amount of food one month and purchase other necessities. One cannot fail to question whether this is not a return to the outmoded system of relief in kind under a new and slightly less odious disguise.

Official reports and authoritative studies have revealed facts and consequences which call for consideration before we adopt unreservedly this system of supplementary relief devised by the United States Department of Agriculture. And certainly it is high time that we question the still prevailing plan of hauling tons of foodstuff here and there about the country and expect basic human needs to be met when a family has been handed out huge quantities of single items which they could not possibly use while it is still in edible condition.

MARTHA BRANSCOMBE

NEGRO MOTHERS AND BABIES

OVER a long period of time the United States Children's Bureau has been concerned with the health problems of Negro mothers and babies, and maternal and child health work in the social security program includes services for Negro mothers and children.

A pamphlet[1] issued by the Bureau has recently shown again the areas where Negro babies are born, the areas with high mortality among Negro mothers and babies, the causes of this mortality, and the gains made in recent years.

More than four-fifths (214,000) of the Negro babies are born in the southern states; two-thirds (170,000) are born in rural areas; and four-fifths (208,000) are born in states where the per capita income is below the national average. Practically all (99 per cent) of the Negro births occur in the twenty-nine states, each of which has 500 or more Negro births each year.

More than half (55 per cent) of the Negro births in the United States are attended by "nonmedical persons—generally untrained or poorly trained midwives." Only one-fifth of the Negro births occur in hospitals. Only one-fourth are attended by physicians in homes. This is in sharp contrast to the situation of white infants at birth, of whom 95 per cent are attended by physicians and 48 per cent are born in hospitals.

But the situation in the South is much less favorable than the averages for the whole country indicate. Midwives attend more than two-thirds of the Negro births in Mississippi, South Carolina, Arkansas, Georgia, Florida, Alabama, and Louisiana. They attend from one-third to two-thirds of Negro births in North Carolina, Virginia, Delaware, Texas, and Oklahoma.

The 17,000 Negro stillbirths registered each year in the United States include only part of the Negro babies born dead. The registration of stillbirths is recognized as incomplete for all races, and especially for the Negro race; nevertheless, the stillbirth rate for Negroes during the period 1936–38 was 66 per 1,000 live births or more than twice the rate for the white race (29).

The Bureau report says:

> The study has demonstrated that adequate care during pregnancy is the fundamental approach to the stillbirth problem among all races and especially among the Negroes. Improvement, of course, also needs to be effected in the technique of delivery care, as almost one-third of the deaths occurred during labor.

During the period 1936–38 the infant mortality rate for Negroes (82 per 1,000 live births) was two-thirds higher than the rate for white infants (50). Every one of the twenty-nine states has a higher mortality rate for Negro infants than the United States rate for white infants. But the in-

[1] Elizabeth C. Tandy, *The Health Situation of Negro Mothers and Babies in the United States* (Washington, D.C., 1940).

fant mortality rate among Negroes, though high, is showing improvement. The rate for the year 1938 (78) was 14 per cent lower than that for 1934 (91), the year prior to the initiation of work under the maternal and child health provisions administered by the Children's Bureau under the Social Security Act. This is about the same decrease as that effected among white infants (15 per cent) and a greater decrease than that which prevailed in the five years prior to the initiation of the work under the act (from 1930 to 1934 the decrease was only 9 per cent).

Of the 2,300 Negro mothers who die each year from conditions of pregnancy and childbirth, almost one-fourth (22 per cent) are very young mothers—under twenty years of age. The maternal mortality rate for Negroes in the United States during the period 1936–38 (90 per 10,000 live births) was more than double the rate for white women (44). Every one of the twenty-nine states had a higher mortality rate for Negro mothers than the United States rate for white mothers; thirteen had a rate higher than the United States rate for Negroes.

Maternal mortality among Negroes, though high, is showing improvement. "The rate for the year 1938 (86) was 8 per cent lower than that for 1934 (93), the year prior to the initiation of work under the Social Security Act. This is not so great a decrease as that effected among white mothers (30 per cent, 1934–38)." It means, however, that almost 200 Negro mothers were saved in 1938 who would have died had mortality been as high as in 1934.

The Bureau report shows that reports of maternal and child health services indicate that all states are taking an active interest in work for improvement of conditions for mothers and babies.

But it is clear that all types of services for the protection of the health of Negro mothers and babies need to be developed and expanded in the areas where Negro births occur. Negro mothers are in need of better care during pregnancy and childbirth. Medical care or consultation should be provided for the 142,000 women now cared for each year by midwives. Negro infants are in need of better medical care. Adequate facilities for the care of newborn infants are greatly needed. Mothers should be taught how to care for themselves and how to protect the health of their children.

Mortality rates for Negro mothers and babies are far higher than those for the United States as a whole. Special studies have shown that two-thirds of the maternal deaths, two-fifths of the stillbirths, and one-half of the deaths of infants in the United States can be prevented. Reduction of mortality by these amounts would mean the annual saving of 1,500

mothers and 17,000 babies (stillborn or dying in their first year of life). Prevention of these needless deaths should be the first goal for Negro health—a goal to be attained through adequate services.

Finally, the Bureau report in summarizing its findings emphasizes the fact that "the high mortality rates of Negro mothers and babies of the present day indicate the great need for improvement in health conditions." The decreases effected in mortality in recent years show that the way is open and that much more may be done. The Children's Bureau reports that "the wholehearted acceptance by the Negro race of the health facilities that have been made available gives encouragment for the development and expansion of activities which will bring Negro mothers safely through childbirth and Negro infants safely through the first year of life."

THE CHILD LABOR AMENDMENT STILL NEEDED

IN THE March *Review* the fact that the Supreme Court had specifically overruled the *Hammer* v. *Dagenhart* decision of 1918 was dealt with at some length.[1] We return to this subject because of the question that has been raised as to whether or not the proposed child labor amendment is still needed. Miss Lenroot, of the Children's Bureau, had promptly called attention to the importance of continuing work for the amendment, and, fortunately, the *New Republic* as early as last February 10, in an excellent brief editorial on this subject, ended by saying that the friends of working children, instead of wishing a re-enactment of the old federal child labor law, would prefer "to push the constitutional amendment, which now lacks only eight states of the necessary three-fourths majority. Only 25 per cent of child labor is in interstate industries, and the constitutional amendment would protect all types."

It has been a disappointment to all friends of working children that the March, 1941, issue of the *American Child* in a long review of the significance of the Supreme Court decision, a statement also given to the newspapers, did not once refer to the amendment. This statement ends by saying efforts will be made "toward extending legislation both federal and state to protect these remaining groups of child laborers." It seems strange that the editors of the *American Child* do not look to the amendment as the most comprehensive method of protecting child workers.

The child labor provisions of the Fair Labor Standards Act cover only

[1] See March number of this *Review*, XV, 116, "The Supreme Court and the Children."

those children working in industries whose products move in interstate commerce. Children in intrastate employment as well as children in agriculture (the latter specifically excluded from coverage although the produce is shipped across state lines) must still look to state laws for their protection. Here, even when the statutes carry acceptable standards, the careful administration and vigorous enforcement necessary to make them effective is often woefully lacking.

How many children under sixteen years of age are still beyond the pale of federal regulation and where are they employed? Although the 1940 Census reports are not yet available, the conservative estimates of the National Child Labor Committee based on work-permit figures and field studies can be depended upon to tell something about them.

By far the greatest number, probably between 500,000 and 600,000, are employed in agriculture. It should be made clear that these are children gainfully employed and that the figures do not include those merely helping on the home farm. Street traders under sixteen years—newsboys, magazine salesmen, bootblacks, peddlers, etc.—form another large group estimated at from 250,000 to 400,000. The third important group consists of children working in intrastate industries such as retail bakeries, beauty parlors, hotels, offices, domestic service, etc. From 60,000 to 80,000 children are to be found here.

The recent decision is an important one, but it is also important to realize there is still a long road to travel before all child workers are assured of the necessary national minimum of protection. We still need the child labor amendment which so far has been ratified by twenty-eight of the necessary thirty-six states. Is your state one of the twenty-eight? And, if not, are you working to bring it into this group?

"CHILD HEALTH OR POLITICS?"

WE HAVE learned that the Missouri Child and Maternal Health program was closed down early in the spring by the withdrawal of the federal grants-in-aid, allocated under Title V of the Social Security Act. The reason for the withdrawal of federal funds was an opinion given by the attorney-general of Missouri that a merit system in the Health Department of Missouri would be illegal. This is so important that we believe some of our readers will be interested in the following paragraphs from a comment in the *Kansas City Star*. "Of course, the Federal Government has always been willing to give co-operative states all the time they need for any necessary legislation. But Federal authorities have

every reason to suspect Missouri. Time after time, the partisan Missouri Legislature has tried to play politics with social security."

The *Star* apparently thinks that the attorney-general of Missouri "has usually been ready to give the professional State politicians the kind of opinions they want. Missouri is tarred with rotten politics." The *Star* continued:

> So out goes this valuable service for the health of Missouri mothers and children. Until the State shows a new face, we will have no more operations to restore crippled children to normal. No more pre-natal care for needy mothers. No more nurses for mothers and babies. No more free medicine for the ill children of needy parents. All because the machine-court house crowd in the Legislature and their obedient politicians must cling to their patronage privileges. . . . .
>
> We won't argue about the attorney-general's opinion that cost us the child health program. We only know that he handed down the same kind of opinion that would have outlawed the merit system for social security. When it was plain the Federal Government meant business, he went back to the books and came out with another opinion.
>
> It all comes down to the old trouble in Missouri. The machine and courthouse professional politicians have been running the show. And these men can't see any purpose in government except patronage and privileges for their crowd.
>
> Because pensions are political dynamite they always back down when they realize the Federal Government is ready to stop the checks. But as for the child health program, well, the children can't vote.

MORE "STONES FOR BREAD"

IN LINE with comments in an earlier editorial on the studies of general relief needs in Missouri[1] and Denver,[2] the Texas situation is also interesting. Vigorous efforts are being made by the Citizens' Committee for Public Assistance, by various public officials and professional groups to secure the passage of a bill which would submit to the people of Texas a constitutional amendment permitting state appropriations for a general relief program.

These attempts to promote legislation have been supplemented by a study made by the Texas Social Welfare Association in 1940 entitled *Need: A Study of Basic Social Needs.*[3] This excellent study, based upon information schedules completed for 230 of the 254 counties in the state,

[1] See this *Review*, XV (March, 1941), 123–25.

[2] See this *Review*, XIV (December, 1940), 796.

[3] "Special Publications of the Texas Social Welfare Association," Vol. I, No. 1 (Austin, Tex., November, 1940). Pp. 32. $0.15.

reveals an accurate picture of "want, privation and ill health" which is shocking in its scope. The study not only attempted to examine relief needs in Texas but also sought information on "public health and nursing services, on the increase of insanity in Texas during the past decade, on deaths due to preventable diseases, on the availability of free hospitals and clinics for needy families, on private as well as public assistance provided in each county, and on the financial ability of local governments to make appropriations for relief purposes."

Surely the citizens of Texas and the people of this nation cannot afford to ignore conditions such as these which place upon us demands comparable to any other area of national defense.

"HEALTH PROBLEMS AND THE DRAFT"

AN ARTICLE on this important subject by Dr. C. E. A. Winslow, professor of public health, Yale University, appeared recently in *McCall's Magazine.* Dr. Winslow's demand for prompt care for the men rejected by the draft is so timely that we are reprinting a condensed portion of it here.

One out of four called in the draft labeled unfit to fight! Just what do these figures tell us about the health of the American people?

There are medical men in high administrative office—and still more among the voluntary advisers of governmental agencies, who are impatient with any precautions for even long-range military efficiency and have even less regard for civilian health and welfare. They demand the maximum number of men in uniform in the minimum time. This is hysteria, not sound defense policy. The selective draft must do more than produce men. It must produce men who are fit to fight.

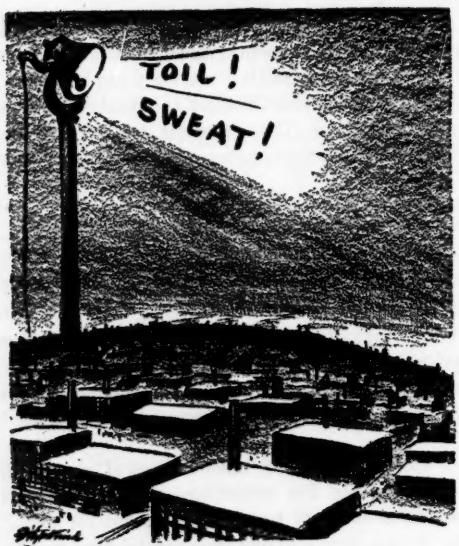
In two important respects, we are doing a better job of this than we did in 1917–18. With regard to syphilis and mental disease, we have profited by our past experience and have created substantially better medical machinery than we had two decades ago. The venereal diseases always have ranked above war casualties as causes of non-effectiveness in armies.

In contrast with 1917, draftees with syphilis or gonorrhea are not being called into service now. So far as protection of the armed forces is concerned, this procedure seems complete and adequate. Furthermore, in many states the results of these blood tests have revealed encouraging progress in the control of syphilis.

We are now exempting not only obvious cases of mental disease, but also potential emotional misfits. For mechanized war involves severe emotional stresses. Three out of seven of the men discharged for disability from the American army in 1939 were suffering from mental disease. The major causes

Fitzpatrick in the "St. Louis Post-Dispatch"

THE ROAD AHEAD



Fitzpatrick in the "St. Louis Post-Dispatch"

FIRST CALL

of death in our army that year were motor vehicle accidents first, suicides second. The Veterans' Administration reports that since 1926, nervous and mental cases have cost the Federal Government nearly one billion dollars. . . . .

The draft examination for tuberculosis is far from adequate. The experience of recent years had made it abundantly clear that there is only one way of detecting incipient tuberculosis—by X-ray pictures of the lungs. No clinical examination, however careful, is conclusive without the use of the X-ray. Yet this essential diagnostic agent is not required by the selective service regulations and many local boards ignore it. Fortunately, in 18 states and the District of Columbia local health administrations have stepped into the breach and have provided the local boards with the necessary facilities for X-raying all draftees before they are inducted.

Yet Kansas is right now planning to discontinue this essential precaution; and in North Dakota and Wyoming, while the X-ray is taken, it is not read until after induction, so that positive cases already in the army must then be discharged for disability—which places an unwarranted burden on the Federal Treasury for their future care.

. . . . 30 other states, in the absence of a national directive policy, have no provision for routine X-raying by the local draft boards. The thorough dental examination every draftee receives, in contrast with this lack of routine X-rays, suggests that it is more important for the soldier to be able to bite than to breathe.

One of the most irksome problems springs from the fact that one man out of eight passed by his local board's doctor has been rejected by the army's physicians.

Despite the great advances in American medicine since World War I, serious deficiencies continue to exist. By July 1, some 250,000 young men will have been rejected as physically unfit for military service. What is to happen to them? Regardless of their military value, they cannot be ignored, for their fate must be of grave concern to us all. Those with communicable diseases return to their communities to infect their neighbors. The others, left uncared for, will gradually sap the strength of our nation.

If, on the other hand, the revelations of the draft are taken as a stimulus to action, what an opportunity for progress these examinations present! Defective teeth and inadequate vision can be corrected. Malnutrition can be remedied. Minor mental deviations can be adjusted, emotional balance restored. Cases of syphilis and tuberculosis can be placed under treatment. A very large proportion of this quarter of a million young men can be restored to health and efficiency. No such constructive program for such rehabilitation of rejected draftees was developed in 1917–18, and none is yet on the horizon in 1941.

In syphilis and tuberculosis, local health departments in the more advanced states have initiated limited programs of this kind. Cases of those diseases detected in the draft are actually reported to the civilian health authorities and

provided with the clinic or sanatorium care they need. But throughout the United States as a whole, facilities for the care of venereal diseases are just about half those required for adequacy.

The selective draft offers an opportunity for phenomenal advance toward the goal of national health. We have public health and medical resources in many of our communities which, if properly co-ordinated, would be adequate for the task in hand and we can establish such resources in other areas if we so decide.

We have the power to plan and the stimulus of crisis which should act as a curb on selfish vested interests. We have at Washington a Federal Co-ordinator of all health, medical, welfare, nutrition, recreation and other related fields of activity affecting the national defense.

If we so desire, the defects in draft procedure can be perfected and this procedure can be made the basis for a national health program which will maintain the strength of our nation long after the present emergency has been forgotten.

THE HARRY BRIDGES CASE AGAIN

IN SAN FRANCISCO the federal government for the second time within two years is trying to prove that Harry Bridges,[1] Australian-born director of the C.I.O. in California, is liable under the federal immigration laws to deportation as a member of a subversive organization.

When Congress threatened to deport Harry Bridges by a special act, Attorney-General Jackson insisted that even Harry Bridges had constitutional rights. Now, under the department of justice the possibility that Bridges may still be subject to deportation is again under trial, and friends of what we hear described as "our free way of life" are anxious to know that the constitutional rights of Harry Bridges will continue to be protected. There can hardly be a greater contrast than that between Dean Landis of the Harvard Law School and J. Edgar Hoover of the Federal Bureau of Investigation. It is a source of assurance that Mr. Hoover's conclusions and the evidence on which they rest must be convincing to Attorney-General Jackson. The democratic process should protect the rights of an Australian immigrant as well as those of a native American.

THE ENGLISH "FACTORIES ACT" AND THE WAR

THE following editorial from a recent issue of the *Manchester Guardian* will be of special interest in view of certain efforts to break down our American protective legislation in order to speed up the so-called de-

[1] See this *Review*, XIII (1939), 524–26; XIV (1940), 1–9, 569–72, for earlier discussions of the Bridges case.

fense program. We may well take note of English experience here. The editorial is given below:

A correspondent draws attention to the mistaken but common belief that the Factories Act has been suspended during the war and that any infringements of its provisions are justified by the magic words "national importance." In the case mentioned a magistrate seemed to be highly impressed because a firm which had been working boys beyond the permitted limits of hours quoted the Ministry of Supply as saying to it that "whatever you do in this direction will be covered by the Ministry." It is well known that the production departments, or some of their zealous officers, have been rather free in promising this kind of immunity. It is obviously wrong, because there is recognised machinery, authorised by Parliament, for the suspension of the statutory labour standards when emergency demands, and if that machinery is not complied with we are bringing the law into contempt and encouraging its wholesale evasion. The recent report of the Select Committee on National Expenditure is a reminder of how foolish heavy overtime is from the point of view of the health of the workers no less than from that of efficient production. The Ministry of Labour, the report said, is obviously the body to supervise hours of work, and the Supply Departments should not be able to infringe the standards it lays down. If there is any complaint against the Ministry of Labour (which has now taken over the factory inspectorate) it is not that it interferes too harshly with employers but that it is too reluctant to press them. It deserves all the support and encouragement that can be given it in rooting out the abuses that have been allowed to grow up under cover of the "national emergency."

LONDON SOCIAL SERVICES AND THE BLITZKRIEG

THE quarterly journal (published by the Council of the London Charity Organisation Society), now renamed *Social Work: A Quarterly Review of Family Case Work*, contains an interesting article on "London Government and the Blitzkrieg" in the last issue which has reached us, from which the following extract will be of interest to our readers:

Education was the first social service to suffer severely from the war. The saying that education was the first casualty in this war is certainly true of London. It is unnecessary to recapitulate in detail the various stages whereby first the schools were closed altogether and education stopped; then teachers were allowed to collect small classes wherever they could borrow a room; then the schools were open for that number of children for whom air-raid shelter accommodation could be provided; then this limitation was removed and attendance was made compulsory, though at no time was this enforced. The dockland schools remained a consistent exception, no schools being opened in these districts because they were considered too vulnerable, though children were running the streets of the neighborhood. Then came the Blitzkrieg: many

schools were shut, others bombed, evening institutes closed. Now once again such schools as are available are open, though often working on the two-shift system and without compulsory attendance. Polytechnics and technical institutes are functioning, while evening institutes are open in the daytime and at week-ends, and attempts are being made to get classes started in suitable shelters.

Attempts are also being made by voluntary organisations to start lending libraries in a few shelters and to get a section set aside where bank clerks and others trying to work for examinations may study in comparative peace. Stuents studying for degrees in the evening after work have been left high and dry by the evacuation of every London college, except Birkbeck and one or two specialist institutions.

It is of course impossible, except administratively, to separate health from education in their effects on the growing child. The pre-1870 state of education in London has affected both alike. Both were built up to an extent we had failed to realise on a foundation of compulsory attendance rigidly enforced. One of the most depressing discoveries of the war has been the indifference of many parents to their children's education and their lack of control over school attendance. No figures are available of the number of children who have not been in school since July, 1939, but many such cases come to light through the juvenile courts and in other ways. For the majority, attendance seems to depend largely on the inclination of the child, who is living in a truant's paradise and finding many attractive alternatives to school. Salutary though it may be for teachers to hold their pupils by interest alone, they have been faced by an uphill task through changing personnel, strangeness to the locality, lack of equipment and the two-shift system. The result on the children is that even the Three R's are often lost or never acquired, and the power of concentration or making consistent effort vanishes. Health suffers not only from lack of contact with the school medical services, but also from days spent "mucking about" in the streets, helping with the housework, making money from illegal employment, or, worst of all, sitting for hours in a queue to secure the family's place in the tube or other shelter, followed by nights of broken sleep in a stuffy and germ-ridden atmosphere. Evacuation has slowly thinned these ranks to the extent of 550,000 children, but over 100,000 still remain in the London County Council area, learning by long hours of doing nothing to become the enlightened citizens of a free democracy.

The full extent of the fall in school attendance was revealed when the L.C.C. recently published figures showing that of the 80,000 children of school age still remaining in the area only 30,000 were attending school. Many of the 39,000 children under school age still in London who would normally be in nursery schools or the infants' department of the ordinary schools are not now receiving any organised care for nurture or health. The L.C.C. has at last declared its intention to enforce school attendance for those children who remain in London.

Now that daylight raids have become an insignificant danger there is nothing to be said against this, and everything to be said for it in order to stop the rapid deterioration which is taking place in those who must become both the citizens and the skilled workers of to-morrow.

NEW SOCIAL CASE RECORDS

FOLLOWING their long-time policy, the editors announce but do not review the new publications in the "Social Service Series." The *Review* takes great pleasure, however, in our present announcement of two new series of social case records that have just been published by the University of Chicago Press. Charlotte Towle's *Social Case Records from Psychiatric Clinics* should prove indispensable not only to case-work teachers but equally to case workers in both public and private agencies. The book will, we are sure, be welcomed not only by case workers in family agencies but by those in the child welfare agencies and in various specialized services.

Grace Browning, well known in recent years for her interpretation of the problems met by case workers in rural communities, presents a carefully edited set of selected community records and social case records in her new *Rural Public Welfare.* Miss Browning, assistant professor of case work in the School of Social Service Administration, in adding to the relatively scarce material in this field, has made available a volume which will be valuable to case-work teachers, students, and practitioners. The subjects covered include Part I, "Government and Public Welfare in the Rural Community"; Part II, "Worker, Client, and Community"; and Part III, "Rural Social Resources."

A NEW SOCIAL SERVICE MONOGRAPH

THE book *Federal Aid and Public Assistance in Illinois,* by Dr. Arthur Parker Miles of the faculty of the Tulane University School of Social Work, was issued in April as a "Social Service Monograph." Dr. Miles covers the following subjects: "Relief Grants from the Reconstruction Finance Corporation"; "The Establishment of the F.E.R.A."; "The Emergency Work Relief Period"; "The Allocation of Funds by the F.E.R.A."; "Relief in Illinois without Federal Aid"; "The Administration of Old Age Assistance in Illinois"; "The Absence of Other Assistance Programs under the Social Security Act"; and a discussion of the "Absence of Other Assistance Programs under the Social Security Act." Following our usual policy, no review of the Miles book will be published, and the editors take this opportunity of calling attention to a very useful monograph in the field of public assistance.

THE SOCIAL WORKER IN THE SOUTH
A COMMUNICATION[1]

TO THE EDITOR:

The maltreatment and mistreatment of the Negro in the South is an old story, and a tragic one. Some of the educated Negro writers, whose indignation and revolt are understandable, take the position that our profession of faith in democratic principles is sheer hypocrisy. A contributor to *Unity*, in a recent article, complained bitterly of "Hitlerism in the United States" and thought it was absurd for our liberals and constructive radicals to condemn the German concentration camps, the anti-Jewish measures, and other outrages, and at the same time to apologize for, or calmly ignore, the injustices and wrongs inflicted upon the Negro throughout the South and even in many communities in the North.

It is, of course, well known that the leaders of the Negro race are not of one mind with regard to this serious and complex question. One school or group believes in the policy of protest, denunciation, and vigorous insistence on constitutional rights. Naturally, such an attitude as this arouses antagonism among many whites and makes mutual comprehension and patient co-operation very difficult. The other school favors emphasis on constructive work, on gains already achieved, on the certainty of further advance toward a square deal. This is not mere opportunism, or timidity, or acquiescence in injustice. It is "gradualism" based on the recognition of historical and other factors which preclude *rapid* progress.

The social workers in the South, and particularly those born and educated in the North who find positions in southern communities, cannot fail to be impressed and oppressed by the numerous hardships, humiliations, and abuses to which the Negroes are exposed; but they soon learn that an extreme, uncompromising attitude alienates public opinion and does the Negro harm, not good. The social worker is most helpful when he thinks in terms of concrete, specific tasks. To him, or her, to use the phrase of John Dewey, "progress is a retail job." Ultimate aims may be uncertain; immediate improvements are good in themselves and good in their promise of still better things to follow. In the South the social worker requires tact to a higher degree than anywhere else—tact and perseverence.

[1] This letter was sent to the Editor from a veteran Chicago editorial writer who has been spending the winter in the South. Since he was a resident of Hull-House for more than twenty-five years and was closely associated with Miss Addams and Miss Lathrop in much of their work, it is believed that his views on this subject call for special consideration.—ED.

Here are some illustrations of this thesis:

In the gloomy article in *Unity* mentioned above, the writer, Myles D. Blanchard, gives many instances of gross and defiant violation of the rights of the Negro in Miami and elsewhere in Florida and declares bluntly that "the Constitution is nothing but a rag of pulp paper in so far as a vast section of the country is concerned." The instances he gives are painfully familiar—Niggertown segregation, filthy and insanitary shacks, lack of educational opportunity, exclusion from stores and restaurants, political disfranchisement.

The writer of these lines, having spent two winters in a pleasant southern community, a favorite resort of retired northern bankers, doctors, professors, and lawyers, and—thanks to a college of note—a cultural center, has his own observations and shocks to record. The Negroes in this delightful spot are segregated "on the other side of the railroad tracks" and know no such luxuries as paved streets, trees, or grass. They live in shanties and depend for their livelihood on the whites. During the season, which is very short, they earn fair wages and are all employed. Some have steady jobs, taking care of vacant houses and lawns, orchards and grounds. Many are desperately poor between seasons. But this is not the worst of their troubles and difficulties. After dark they must not be seen outside their small and restricted section. If seen, they would be arrested and perhaps jailed. Recreation is not for them. The movie house has no place for them, not even in the gallery, which is usually empty. The whites, it appears, will not occupy any seats which Negroes have used, and the manager cannot afford to offend the former. There are concerts, recitals, lectures, conferences, theatrical performances in the lively and lovely community, but no Negro can attend any of these entertainments. There are two good libraries, but no Negro can borrow a book from either of them. There are lakes and beaches, but the Negro must not go near them.

Now, these exclusions and discriminations are bad enough from the viewpoint of southern Negroes of reasonable intelligence. They are scarcely bearable by such Negroes as have lived in the North for some years and have returned South for economic or other reasons, perhaps after retiring from gainful occupations. In the North the Negro *does* go to the theater, the movie, the opera, the concert hall, the lecture-room, the civic conference, the political meeting. To return and to find all these opportunities and freedoms gone, sharply cut off, and just because of color, is certainly disheartening and maddening. To disregard totally the Negro's human need for recreation and entertainment—as so many southern

communities do—is to breed not only deep discontent but various forms of vice and crime. The present writer heard a southern mayor say to a group of educators and social workers that the Negroes are utterly untrustworthy, dishonest, immoral, and vicious, and that to do anything for them is to waste time, energy, and money, if not to invite race riots and preposterous demands for absolute social equality. And a prominent southern lawyer seriously assured the writer that the Negro problem was hopeless, insoluble, and that a thoroughly unfortunate situation, the result of our own blunder and stupidity in admitting African slaves into the country, will be ended, eventually, only by the death of the whole Negro population, since our climate is unfavorable to them and the whites alone can survive in it!

Perhaps such fantastic views as this explain the indifference of so many communities in the South to the health and safety of their Negro citizens. In one instance known to the writer the police and fire departments of a small city failed to respond to an appeal of Negroes for prompt service in extinguishing a fire in their crowded section. Several shanties and stores were destroyed by the fire, and one aged and paralyzed Negro was burned to death. Next morning the mayor of the city offered all sorts of excuses for the criminal negligence of the fire department, and said angrily that the Negroes paid no taxes anyway and were a burden and a menace to the community. He was not moved by the details of the fire and the loss of a life. He was busy urging more trees and more park space for the *white* section. He believed in "beauty"!

Now, what are the social workers, generally trained in the North, to do where such conditions confront them? To repeat, this is a really important question for those who are workers, not propagandists; practical humanitarians, not theorists. There is much to do in the South, but everything must be done tactfully, skilfully, softly. The social worker there needs patience, perseverence, and a conciliatory temper. Contrary to the well-known French proverb, small reforms are *not* the enemies of great reforms in our South.

You will get co-operation in the South if you start right, suggest reasonable and modest improvements, and avoid controversy over general problems. For example: Here is a community which has totally overlooked the simple fact that the Negroes have no recreational facilities. Well, invite a few persons of progressive leanings and ask them to consider the question calmly and see what can be done with the resources available. Organize a committee, call in some of the Negro ministers and

other intelligent and influential Negroes, and solicit their advice. It may be possible to organize a men's club and a women's club in the Negro quarter. Such clubs, charging small dues, would experience no difficulty in securing members. They would institute regular meetings, give suppers, social parties, and might tune in operas and concerts, lectures and plays. The clubs would evolve and become discussion centers. Matters like housing, the planting of trees, the paving of streets, the establishment of a playground for children, medical care, and the like would naturally receive attention. Leadership would be developed, and leadership spells constructive programs.

The manager of the local movie would soon find *some* way of surmounting the objections of the more conservative whites to some opportunities for Negro enjoyment of his motion pictures. One or two evenings a week, surely, Negroes might have the gallery without physical or moral peril to the whites. Is it too much to ask the white leaders—perhaps even a local minister or college president—to indorse a Negro petition in favor of such a slight concession?

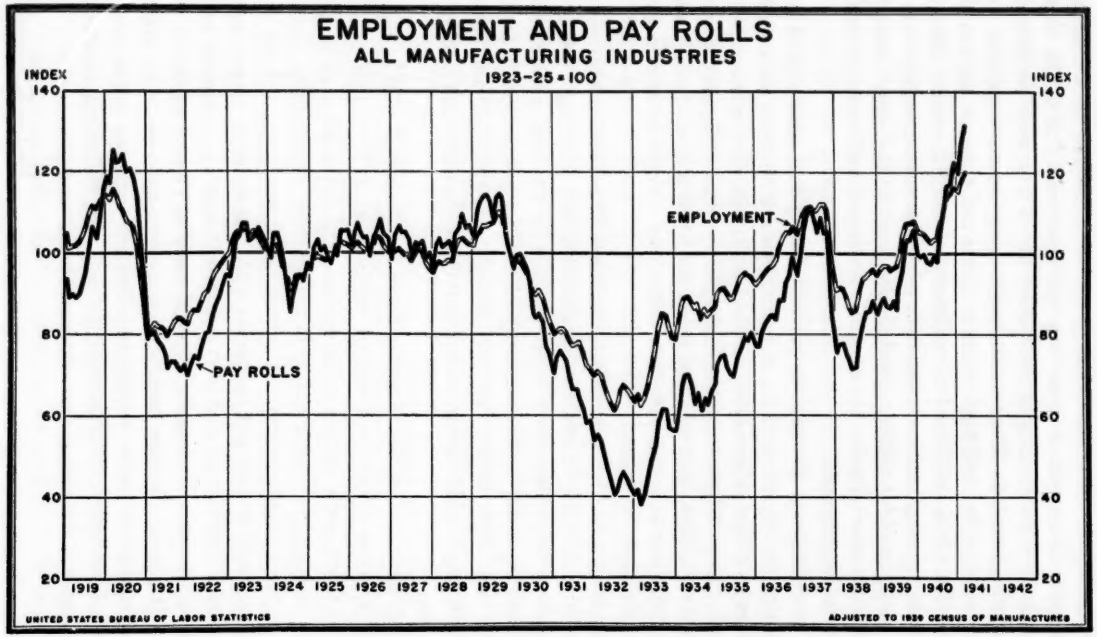
Similarly with regard to library facilities. The social worker would have little difficulty in establishing a small library in a Negro school or clubhouse. Aside from some appropriations by the local governments, which would hardly be refused, many white citizens would gladly donate books to a Negro library. In time, perhaps, the municipal and college libraries might decide to extend *their* privileges to orderly and intelligent Negroes.

Such steps as these would lead to larger improvements, such as decent housing, better schools, and steadier employment, at fair wages.

The South needs trained social workers, and the social workers have many openings and opportunities in the southern communities. College faculties, too busy to undertake outside tasks, would welcome the professional social worker and co-operate with him or her in several ways. The South itself should send boys and girls to northern schools of social work and welfare. Eventually it would establish its own schools of this type. It resents "Yankee meddling" at present and objects to what it calls "radicalism," even communism. But one must not despair of the South. If we believe in democracy, we shall view difficult problems as a challenge and tackle them with faith and hope.

VICTOR S. YARROS

WINTER PARK, FLORIDA


EMPLOYMENT AND PAY ROLLS
ALL MANUFACTURING INDUSTRIES
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EMPLOYMENT
PAY ROLLS
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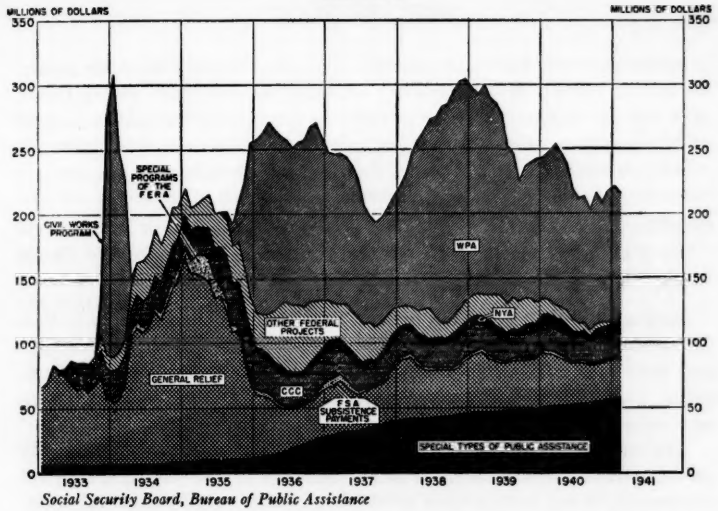
UNITED STATES BUREAU OF LABOR STATISTICS
ADJUSTED TO 1939 CENSUS OF MANUFACTURES

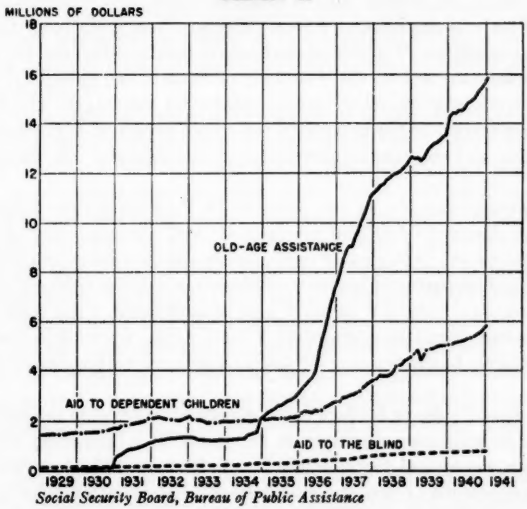
CHART I



Social Security Board, Bureau of Public Assistance

PUBLIC ASSISTANCE AND FEDERAL WORK PROGRAMS: PAYMENTS TO RECIPIENTS AND EARNINGS OF PERSONS EMPLOYED IN THE CONTINENTAL UNITED STATES, JANUARY, 1933—FEBRUARY, 1941

CHART II



Social Security Board, Bureau of Public Assistance

PAYMENTS TO RECIPIENTS OF THE SPECIAL TYPES OF PUBLIC ASSISTANCE IN 116 URBAN AREAS, JANUARY, 1929—JANUARY, 1941

BOOK REVIEWS

Government and the Needy: A Study of Public Assistance in New Jersey. By PAUL TUTT STAFFORD. Princeton: Princeton University Press, 1941. Pp. xiv+328. $3.00.

In this study the history and present operation of public assistance in New Jersey are examined from the standpoint of "a student of political processes," and there is an indictment of legislative development, administrative organization, and financial policy which is not unfamiliar to social workers nor inapplicable to a large number of other states.

The study is divided into three sections. The first section is an unusually readable account of the history of public assistance in New Jersey, tracing the movements to and from outdoor relief, the development of categorical assistance, the beginnings of state supervision and administrative control, and the developments of the emergency relief program during the decade 1930–40.

The section on "The Present System in Operation" deals with the size and cost of public assistance, the haphazard financing of relief, the way in which emergency relief has become fused with the old poor relief system, the ineffectiveness of state supervision over local relief practices since 1936, the failure to develop a satisfactory formula of state aid for general relief, and the administrative problems created by the disorderly division of responsibilities between the federal work program, relief, and the categorical assistances. The successful and stable operation of the categorical assistance programs is contrasted with the confusion and constant improvisation characteristic of the general relief programs.

In the final section the author presents "A Program for the Future." He recommends a system of federal grants-in-aid and supervision for all forms of public assistance and an integrated public assistance and welfare program under a permanent state department having supervisory control over enlarged local units of administration. Federal work relief is to be abandoned, but a state program of public works should be operated by a state public works department with workers certified to the program by public assistance authorities on the basis of need.

The study of Professor Stafford is a distinct contribution to the scant literature on public assistance experience in the states. It is interesting reading, although there are several places where the reader may wish there had been a little less compression of data and a little more illustrative detail for the indictments which the author makes. Like other analyses of public assistance which

confine themselves largely to legislative developments and interrelationships of programs, the study does not present a complete picture. There are other aspects of public assistance—such as adequacy of relief, turnover of relief rolls, the relationship of relief and work-relief policies to the labor market, eligibility policies, and the social and occupational characteristics of persons on relief—which need also to be weighed and examined in detail. Nor can the economic organization of the state, its population trends, its politics, and its pressure groups be ignored in the presentation of a completely rounded picture. Such inclusive studies still remain to be done not only for New Jersey but for any of the forty-eight states in the union.

JOHN CHARNOW

COMMITTEE ON SOCIAL SECURITY
SOCIAL SCIENCE RESEARCH COUNCIL
WASHINGTON, D.C.

Social Work Year Book, 1941. Edited by RUSSELL H. KURTZ. New York: Russell Sage Foundation, 1941. Pp. 793. $3.25.

In 1930, against a national backdrop of unemployment, the first issue of the *Social Work Year Book* appeared.

In 1941 the sixth issue has its setting—props, wings, as well as backdrop—made up of national defense. Its eighty-three signed topical articles, with a combined bibliography—listed individually after their respective articles—of 1,360 separate books and pamphlets and 450 magazine articles, give the reader the feeling that the *Year Book* is indeed the last word of assured authority in the social-work field.

A first impression of bulk quickly disappears as one catches the invitation to join in this round-table discussion of the various easily recognized contributors. Together they tell an epic story of the constructive quality of evolution—they say, in fact, that a democratic society can "make its breaks," can plan, can act, can progress—and they prove it not by argument but by exposition.

Undoubtedly we all as practitioners or administrators, legislators, board members, and public officials have our moments of doubt as to the direction in which we are going and the speed with which we are reaching our goals. To all such, the *Social Work Year Book, 1941*, will be a powerful tonic.

This issue has been organized to give extra and added values. In the first place, the story of each specialized field has been brought up to date. In doing this, however, the new growth of each field has been shown in its relation to the development which has been taking place in the allied fields. This is true integration.

New groupings of certain standard subjects have produced better presentation of the related material. Obviously specialization can be carried too far. These new groupings serve to broaden and deepen the scene with respect to the

main subject without depreciating the importance of its component special fields of interest.

In addition, eight new articles have been introduced: "Civic and Fraternal Organizations," "The Family," "Men in Military Service," "Old Age," "Railroad Workers' Insurance," "Social Insurance," "Social Workers' Organizations," and "White House Conferences."

The skilful editor has succeeded through selection and arrangement, through mechanical device of easy listings, cross-references, and a generous index, and finally, with the assistance of competent and forward-looking contributors, in presenting in the field of social work a reference book which has the fascinating quality of a good story well told.

Undoubtedly a chief use of the *Social Work Year Book* will always be for reference purposes. It is not to be read from cover to cover.

From the point of view of public officials, one of the outstanding developments in the field of social work is the enlistment of federal and state governments in that work. The over-all job has been broken down and each part assigned to a score of federal offices which in different degrees reach grass roots through state and local agencies.

The need now is for co-ordination—not only organically but functionally. This would be easily accomplished were we only robots. Fortunately the human element permits continuing and accumulative development.

Such co-ordination—promising discovery, invention, and ever greater accomplishments—is inexorable in its requirement that each of the agencies to be co-ordinated reciprocate an appreciation of one another's value and relationship.

The *Social Work Year Book, 1941*, is made to order for just such preparation. In fact, its very existence is evidence that the social-work field is ready for co-ordination with all that such an experience implies.

CHARLES F. ERNST

AMERICAN PUBLIC WELFARE ASSOCIATION
CHICAGO, ILLINOIS

Proceedings of the National Conference of Social Work: Selected Papers Sixty-seventh Annual Conference, Grand Rapids, Michigan, May 26–June 1, 1940. New York: Columbia University Press, 1940. Pp. 736. $3.00.

In accordance with the policy of the last twelve years, the 1940 *Proceedings* are selected papers—fifty-nine this year—from the many presented at the Grand Rapids Conference. Because of the historical value to the profession

it is to be regretted that the Conference has grown so large as to preclude the publication of the entire proceedings.

The Editorial Committee has again grouped the papers according to the "foci of reader interest": Part I, "Social Objectives in a Time of World Crisis"; Part II, "Areas of Social Work Concern"; and Part III, "Social Work Practice." Subheadings further help to analyze the rather discursive subject matter.

To remember that the papers in Part I were delivered during the week of the German invasion of the Lowlands helps to explain their tone of fervor and relevancy for us one year later. Grace L. Coyle's presidential address on "Social Work at the Turn of the Decade" describes our emergence from a decade of depression and unemployment with expanded public social services, a larger sense of social responsibility, and a glimmering vision of a national minimum of health and decency. For the 1940's is the task of converting democratic ideals into democratic procedures and practices. Although she finds that progress in this direction is already indicated in case work and group work, she believes social workers have much to learn about transmuting the application of scientific knowledge and "democratization of attitudes" into work with their immediate communities and to the larger social scene, if they are to help in the abolition of poverty and its accompanying ills. Other papers dealing with the democratic ideal in a world at war stress the right of every child to life in a family and in a state which can provide all the goods and services necessary to spiritual and physical growth; and reiterate the theme that ideas as well as guns are weapons, that domestic maladjustments are an "Achilles' heel" in time of danger: "All dictatorships have arisen to power upon the economic miseries of their people."

While youth and health continue to be areas of social-work concern, attention is given anew to migrants, relief, and rural communities. Of especial interest are Mr. C. M. Bookman's paper on "Essentials of an Adequate Relief Program" and Miss Edith Abbott's "Relief, the No Man's Land, and How To Reclaim It." The former is a careful exposition of the usual program of federal grants-in-aid for general assistance, public works instead of work relief, a national program for migrants, and extension of existing relief and recovery measures. Miss Abbott's proposal for the unemployed is unequivocally for a federally administered, federally financed system of insurance, work, and assistance, administratively interrelated.

The papers in the section on social-work practice seem of better than average quality in the presentation of analyses of skill in work with children and parents, of reports upon experiments under way, and of provocative ideas. After six years of self-development the group workers submitted themselves to self-analysis, discovering that their next resolve should be to "put into practice what we put into words." The papers on community organization mark genuine progress in study and analysis of method and give promise for the future. The group of papers on "professional standards" bring together some excellent material on service ratings and evaluation of staff performance.

The appendixes complete the usefulness of the volume by including the complete program and all details of the organization of the Conference.

ARLIEN JOHNSON

GRADUATE SCHOOL OF SOCIAL WORK
UNIVERSITY OF SOUTHERN CALIFORNIA

Edward Livingston, Jeffersonian Republican and Jacksonian Democrat. By WILLIAM B. HATCHER. University, La.: Louisiana State University Press, 1940. Pp. 518. $3.50.

This extensive and comprehensive biography of a man characterized by a great historical student as "one of the most remarkable figures in American history" has an interest for social workers who are interested in the development of the law. His long life, 1764–1836, covered the period of the first organizing days of the United States, the sharp conflicts between federalist and the Jeffersonian democrat, the war with England, and the passing of power from the Atlantic Coast to the Middle West or South as exemplified in Jackson's presidency. Coming from an aristocratic family on the Hudson, Edward Livingston found his first political opportunities in New York. Moving to Louisiana, his name is especially connected in the minds of students with the development of that new addition to the United States territory and of the institutions derived from a different legal and cultural source. Here he again held public offices under the state, was sent to the United States Senate, was secretary of state, and represented the United States in France, whose language and law he knew intimately.

The history is an interesting one, but the social worker perhaps knows his name best in connection with his codifying of the different fields of Louisiana law. The problem of "acceptance" and early development of the law in Louisiana was especially interesting and difficult because of the competing or conflicting claims of the Civil Law which prevailed in France and in Spain, under whose ownership Louisiana had been during the period preceding its purchase by the United States. The basis here had been the Roman Law, whereas in other states, the first act of a newly established legislature was usually an enactment adopting the Common Law, which those who went to Louisiana from other states tried to introduce. This created such dissatisfaction, however, that Congress in setting up the territories of Louisiana and Orleans provided that the Civil Law should prevail and that the laws in force in the territory should continue until "altered, modified or repealed by the Governor and judges." The gradual development of the Civil Code from 1805, when two acts drafted by Livingston regulating civil procedure became the basis of the Civil Code, while he likewise largely laid the foundations for a Code of Practice, a Code of Business, and finally a modern, and humane Penal Code is comprehensively but

clearly traced. The Civil Code, with its formulation of the law of family relations including the idea of community property, which is characteristic of the law in the eight Civil Law states, and of the Penal Code, whose objects were ameliorating the punishments that under the common criminal law were harsh and permeated with the search for vengeance, reforming the criminal, and preventing crime—these bodies of the law are known to social workers interested in the movements to reform the law of husband and wife and the criminal law.

The volume is fully documented, there is an elaborate bibliographical note or "Essay on Authorities," and a very full Index.

S. P. BRECKINRIDGE

UNIVERSITY OF CHICAGO

Plague on Us. By GEDDES SMITH. New York: Commonwealth Fund, 1941. Pp. 365. $3.00.

In surprisingly simple language this book presents an absorbing picture of plague, pestilence, and epidemic diseases that have beset humanity through the centuries. The style is informal and interesting and enlivened with frequent ironic interjections. Designed for popular consumption, the author has succeeded for the most part in reducing to nontechnical terms his presentation of a highly technical subject. The layman will still find it difficult, in a few places, to follow the details of scientific techniques and procedures. At the end of each chapter is a list of references followed by a "note on sources" that affords an excellent guide to further reading on the subject matter of the chapter.

The opening chapters give a brief historical review of famous epidemics that have swept through whole populations from the "Black Death" of the fourteenth century to the influenza epidemic of 1918–19. The following chapters provide especially enlightening reading to the layman. "The Sick Crowd" treats the subject of disease "as a mass phenomenon rather than an individual misfortune" and sets down "the factors that normally shape disease prevalence" —"first an infective agent, then a source or reservoir in which the agent is kept alive, then a vehicle by which it passes to new hosts, then a group of susceptible human beings so spaced that infection can spread from one to another." The chapter on "Defenses" contains an interesting discussion of what we can do about sources of infection. The section dealing with the body's remarkable resistance to disease deserves special mention.

Yellow fever, malaria, and typhoid are discussed at length, but influenza, measles, diphtheria, whooping cough, poliomyelitis, the common cold, and many other parasitic infections receive their share of attention. The reader cannot but be impressed, especially in the chapter entitled "Unfinished Business," with the fact that, despite the remarkable progress made during the last century in scientific medicine and in public health, the need for greater understanding and better measures of control of epidemic disease is great.

Social workers will find frequent passages especially applicable to their field of work.

There can be no doubt that the bitter bread of poverty is seasoned with disease and early death. . . . . The general death rate and the rates for pulmonary tuberculosis and pneumonia go up step by step as one goes down the economic scale. . . . . We can be sure that they [the poor] are likelier to fall sick when infection is transmitted by vermin or faulty sanitation or facilitated by habitual huddling. . . . . As standards of living rise the mean distance between one person and another tends to increase: the family huddled in a peasant hut or a city tenement can hardly avoid sharing its parasites indiscriminately. . . . . Intelligence may be the basis of self-protection, but it needs to be reinforced by things and services that cost money. Where poverty and ignorance together block the way, the epidemiologist may be reduced to largely futile gestures.

MARY WYSOR KEEFER

U.S. CHILDREN'S BUREAU
WASHINGTON, D.C.

Convalescent Care: Proceedings of the Conference Held under the Auspices of the Committee on Public Health Relations. New York: New York Academy of Medicine, 1940. Pp. 261.

This compilation of papers on convalescent care is a most welcome contribution to authoritative literature on a comparatively neglected phase of medical care. It consists of the principal contributions of the Academy's second symposium on this subject, held in November, 1939. The very fact that a gap of fourteen years was possible between the only two conferences on convalescent care in the history of the Academy suggests how little attention until now has been focused on the supervision and individual needs of those two large groups of patients, namely, the patient recovered from acute illness who is still unable to resume his usual way of living; and, second, the chronically ill patient, who though not requiring hospitalization, must receive care in terms of his individual needs, if he is to be well served.

Although this volume was probably intended primarily for the use of the medical profession and hospital administrators, social case workers will receive it with enthusiasm, especially medical social workers and those practicing in child-placing programs utilizing the foster-home as one type of placement for convalescent children.

A striking contribution of the material is the emphasis on the principle of individualization of the patient and the recognition of the importance of no longer grouping convalescent patients into a common category regardless of the type of illness from which they are recovering, regardless of varying individual responses to the same illness, and regardless of the individual patient's particular economic and social problems. Emphasis is placed on the importance of serving each individual patient according to his particular nutritional, psychosomatic, economic, and social status.

The subject matter is comprehensive in scope and is presented in four main subdivisions. The first offers some basic considerations such as the physiological, psychological, and nutritional aspects of convalescent care, with one paper devoted entirely to the relationship between chronic disease and convalescent care. The second section is concerned with special needs according to types of disease. Articles are presented in behalf of respiratory, gastrointestinal, renal and urinary, cardiac, cancer, surgical and obstetrical cases. Age groups, too, are given special consideration, with one paper devoted to the care of children and another to aged patients. The third division offers the psychological and psychiatric aspects of convalescent care. Variations in different individuals with regard to the will to recover, the utilization of ill-health to meet emotional needs, the emotional strains so often concurrent with chronicity; in general, the need of attention to the emotional life of the convalescent patient is well presented. Physicians and medical social workers both offer contributions to the fourth division on "The Social, Financial, and Administrative Aspects of Convalescent Care." Among others, Elizabeth G. Gardiner offers a paper on "Convalescent Care and Case Finding." Edith G. Seltzer discusses "Difficulties Experienced by Hospitals in Placement of Certain Types of Patients in Convalescent Homes." Of special interest to social workers are the discussions with regard to types of convalescent placement facilities needed to meet the minimum requirements for effective convalescent therapy. Consideration is given to institutional convalescence, domiciliary care, and convalescent day camps. The writer was somewhat disappointed not to find any contribution to the relative merits of utilizing carefully selected foster-homes for the care of convalescent children. Perhaps this is due to insufficient experience with this type of placement facility?

Readers of *Convalescent Care* will be pleased with the focus on the individualization of the patient, the scope of the convalescent-care program considered from both the individual and the community aspects of the problem, and with the trend toward integrating medical with social-work thinking in behalf of patient and community. Dr. Malcolm Goodridge, president of the Academy, comments, "convalescent care should be considered as a continuing service in which the physician, the hospital, social service and the convalescent home all have a share."

ZDENKA BUBEN

BUREAU OF MEDICAL SOCIAL SERVICE
LOS ANGELES COUNTY HEALTH DEPARTMENT

Montgomery County Survey. Report on Local Governmental Services in Dayton and Montgomery County, Ohio. Chicago: Public Administration Service, 1940. Pp. 529+xix. $3.50.

This book includes the report of the Montgomery County Survey staff and the conclusions and recommendations of the Survey Board. The report is based on a study made under the auspices of a county-wide organization of citizens

which was formed in 1938 following a financial crisis in Dayton that had resulted in the closing of the public schools.

The purpose of the staff report is

> to review briefly the program of services provided by the major governmental units or types of units, to evaluate the effectiveness and efficiency of services insofar as practicable, to appraise the suitability of organization and procedures employed to provide the services, to present the financial position of the three major units of local government and to outline a financial program for those units. . . . . All types and phases of intergovernmental relationships affecting the services . . . . are given consideration.

The thoroughness and integrity of the study are indicated by its organization under a competent advisory board, the employment of a qualified staff, and the use of special consultants from other organizations to aid with the appraisal of specific governmental services. Fred K. Hoehler, director, and Ella W. Reed, consultant, of the American Public Welfare Association, were advisers in the study of public assistance.

The staff report comprises four major parts, the first consisting of four chapters dealing with the public schools in Montgomery County; the second dealing with tax administration, the county budget commission, the government of the county and the district for flood control of which Montgomery County is a part; the third with cities, villages, and townships within the county; and a final brief part including a chapter each on public health, public welfare, and libraries.

The chapter on public welfare reviews briefly the recent history of public assistance in the county and describes the present allocation of public welfare services among a diverse and un-co-ordinated group of agencies. A more intensive study of public assistance administration was made than was possible in connection with other services. The report indicates a real appreciation of the need of good case-work services within the framework of a unified and efficiently organized county welfare department. While one might question the reasons for the very positive assertion that reorganization should provide that the county commissioners be made the administrative board of the county welfare department, other recommendations seem sound.

The public welfare worker whose task at every point is affected by the problems and inefficiencies of local governmental organization and financing will find this thoroughgoing study of one unit of government most helpful.

In contrast with the Texas study[1] it reveals the advantage of information obtained by an actual survey and appraisal of governmental operations as against a mere examination of constitutional and statutory provisions for government without an evaluation of their operations. The Montgomery County study is also supported by many statistical tables of data obtained from public officials or their reports. The source of each is carefully given.

GRACE A. BROWNING
UNIVERSITY OF CHICAGO

[1] See below, p. 372.

Sharecroppers All. By ARTHUR F. RAPER and IRA DE A. REID. Chapel Hill: University of North Carolina Press, 1941. Pp. x+281. $3.00.

Seab Johnson returns on his bony mule from his corn patches in the bottoms and, as he sits on the top kitchen step of the old mansion with its leaning front columns, flapping side boards, and loose windowpanes, he observes old Colonel Smith's plantation, its once rich fields slashed by gaping red gullies, its tenant cabins swallowed up by loblolly and shortleaf pines, and the decaying relics scattered everywhere of a system whose deep roots still cling tenaciously to the remaining slopes and bottoms. The absentee owner had driven out in a polished automobile that afternoon, and from his dissatisfaction Seab knew he might have to move. He knew he couldn't stay there except as a sharecropper, for he couldn't buy a mule and had to be furnished to make a crop. But "why bother? . . . . You don't make nothin' but a livin' nohow."

After supper sitting in the "cheap darkness," Seab and Kate talk about their children, scattered from Pittsburgh to Jacksonville, from Atlanta to Memphis and the Delta. They all work in town as bellhops, taxi drivers, domestics, train firemen, or are on relief. Seab's thoughts linger on the rich Delta land with level rows a mile long where tractors and the cotton control program have pushed the workers off. He wonders why those still there should be as poor as he is on washed-away land. He mulls over his own section—"the exhausted soil, abandoned houses, fewer jobs. He ponders the distant Delta—fertile lands, big debts, fewer jobs. He ponders the rich city—big business, high costs, fewer jobs."

Seab doesn't know that his plight is explained by the South's cotton plantation system that now crumbles from forces within and without or that his children too are victims of the same sharecrop system under which they "share in the risk without sharing in the control."

By personalizing part of the material, the authors of this authoritative volume have made facts and figures come alive. In their careful appraisal of the southern plantation economy and industrial developments, the authors find that, in spite of tractors, crop control, and plantations propped up by government subsidy, farm tenancy remains fundamentally unchanged—the death struggle between man, land, and debt. As the landless whites have been pushed off the rich lands into poorer areas, the uprooted Negro, barred from poor-land peasantry, has moved to the cities to intensify the slum conditions, to experience the sharp race differentials in employment and in relief, to bear the brunt of economic dislocation.

The industrial development has followed the plantation system of absentee ownership, and all the principal industries are owned by interests far removed from the region. The overseer executives have duplicated the pattern of exploitation of resources and men.

The pressure of economics, education, and race consciousness upon the once solid race pattern of the South is forcefully brought out together with its in-

fluence upon the insecurity and poverty that "white men and brown men" share together.

To those of us in the South who have indulged in complacent rationalization, the facts in this book will be unpalatable, perhaps even stark heresy. But to others who have been aware of the human forces involved in this system of cruel exploitation, this sound, objective presentation will be welcomed as a stimulus to conservation and democracy. To the nation as a whole, it is a challenge to establish the "four freedoms" within our own domain.

M. BRANSCOMBE

UNIVERSITY OF CHICAGO

State and Local Government in Texas. By CALEB PERRY PATTERSON, SAM B. MCALISTER, and GEORGE C. HESTER. New York: Macmillan Co., 1940. Pp. vii+586. $2.50.

This book is intended as a text for college students and "is designed to present all important phases of state and local government as they apply to Texas." The authors are professors of government, each on the faculty of a college or university in Texas.

The twenty chapters of the book deal with such subjects as the state constitution, the legislature, the state executive, the judiciary, elections, revenue and taxation, and the various separate administrative functions of state government. Only one chapter is devoted to local government. The chapter on "Eleemosynary and Correctional Institutions" and the one on "Public Welfare and Benefits" are of particular interest to the social worker.

Studies of this kind concerning specific jursidictions are welcome additions to available reference material for the student of public welfare who needs to be thoroughly familiar with the framework of his state and local government. It is to be expected that the broad scope of such a study would make necessary a somewhat superficial treatment of many subjects included. It is unfortunate, however, that the reader's confidence in the book is undermined by certain apparent inaccuracies of interpretation in the material dealing with public welfare. For example, in the chapter on eleemosynary institutions, which includes a brief description not only of the prison, correctional institutions, and hospitals for the insane, but also of the homes for dependent children, sanitoriums for the tuberculous, and the hospital for crippled children, the general introductory statement is made that "the state has found it best to withdraw certain types of her unfortunates from society and to care for them in institutions."

In the discussion of relief in Texas since federal aid was withdrawn, the impression is left that the program on the whole has been adequate, and nothing is said concerning what happened to the thousands of individuals who were dropped from relief rolls and who were not provided for by the W.P.A., C.C.C.,

N.Y.A., or Old Age Assistance. In fact, the authors seem a little fearful that Texas may go too far in its expenditures for public welfare purposes. For example, they state that "the recipients of public office and the recipients of public welfare were able to hit a mutually responsive chord. These factors have marked public welfare and benefits as the most rapidly growing function of the state."

The most unfortunate error, however, occurs in the section where a brief summary is included of the constitutional amendment of 1937 and the later legislation organizing and reorganizing the state's public welfare department as the definite impression is left with the reader that the provisions of the 1939 Public Welfare Act with respect to Aid to Dependent Children and Aid to the Blind are in operation. Nothing is said about the fact that funds had not been made available to provide for either group.

The bibliographies which follow each chapter give the reader a general idea of the authors' source material, and an occasional footnote augments this information; but, on the whole, the usefulness of the book suffers from a lack of careful documentation.

GRACE A. BROWNING

Matrimonial Shoals. By ROYAL D. ROOD. Detroit: Detroit Law Book Co., 1939. Pp. xii+424. $3.50.

It is always interesting when a well-equipped lawyer attacks any aspect of the law of domestic relations and especially undertakes to interpret and explain some of the stupidities characteristic of the law of divorce and its administration. The author of this volume finds satisfaction in placing the blame for many of the domestic catastrophes which have come to his attention on "professional feminists" (pp. 5, 12, 13) and "meddlesome social workers" (pp. 10, 14). As many social workers are women, the reader is reminded of the Garden of Eden just after the tasting of the fruit!

But the book is interesting. The author has been the counsel for the defendant in a case which illustrates many of the ugly features of the divorce law of Michigan and its administration. Briefly, the case was one in which there was a marriage, a child, a divorce with the custody of the child given to the mother, and an order of support placed against the father. There follows remarriage by both parties and the continued demand on the part of the first wife that the divorced husband contribute to the support of his child, whose companionship is now enjoyed by the child's stepfather. As he, the father, has also married and assumed responsibilities for the support of a new family, after a number of years he feels justified in refusing to continue to contribute to the support of the daughter, now in the custody of her mother and her stepfather. This refusal on his part sends him to jail for contempt of court, and the author of the book defends him and attempts unsuccessfully to extricate him from this absurd but painful situation.

There is a good deal said in the earlier chapters about the ancient law of domestic relations, under which the head of the family owned and therefore could control the services and earnings of his wife and children. In some jurisdictions the right to her own earnings was an early invasion by the wife of the older law of family life. In some jurisdictions the right of the mother to some degree of control and custody with reference to her child marked the first break in this domestic structure. The author's plea for the restoration of the ancient dictatorship in the family life will probably find no response on the part of women and not a very wide response on the part of men.

It is interesting, however, that such exposition with reference to marital difficulties can be seriously presented either to the bar, who generally acquiesce in the use of perjury in connection with divorce actions and who offer very slight guidance toward a more uniform attitude based upon a high regard for veracity, or to the "professional feminists" and social workers. The present confusion both in the legislation dealing with problems of domestic discord and in its administration is evidence not so much of lack of veracity or of obvious dishonesty but of confusion and lack of agreement with reference to the nature of the family life that should replace that now supposedly founded upon absolute agreement as to its being both monogamous and permanent. It is true that contemporaneous polygamy is forbidden, but the records of the courts in a very considerable number of states show that if taken tandem instead of abreast, a not unreasonably long life may be characterized by a considerable degree of variety in marital companionship.

S. P. B.

British Labor and the War. By FRIEDA WUNDERLICH. New York: Graduate Faculty of Political and Social Science, New York School for Social Research, 1941. Pp. 67. $0.40.

This monograph is a timely, competent analysis of the problems and status of British labor during the current war, as well as a review of the labor policy pursued by the Chamberlain and Churchill governments. Dr. Wunderlich, former member of the Prussian Diet, and author of the recently published *Labor under German Democracy, Arbitration 1918–33* not only pictures the British war policy of recruitment and allocation of labor but also offers some valuable criticisms. *British Labor and the War* should, therefore, contribute to the solution of labor problems arising from our own defense program.

The author reviews the attempts to transfer skilled labor to urgent tasks, to restrict production to essential trades, to train workers, to enlist new workers (housewives, unemployed, and juveniles), to prevent stoppages of work due to labor disputes, and to arrange hours of work for maximum output.

According to Dr. Wunderlich, England has lacked a national labor policy; the organization of industrial man-power is faulty for the government has relied

chiefly upon persuasion and indirect pressure instead of using compulsion. It has appealed to workers to offer their services and to employers to train men. If the war drags on, she thinks compulsion will be necessary since present training schemes are not providing the needed skilled labor. The author states that totalitarian war, carried to the civilian population, has made untenable the distinction between mobilization for war and mobilization for work. She believes that only conscription of labor can guarantee the use of capacity at top speed, the mobility of labor according to greatest need, and the training of labor reserves. She notes the contradiction between such discipline and control and the democracy for which she believes the British are fighting, but she says that the spirit of British war planning is still essentially democratic.

Strikes and lockouts have not been prohibited, but provision for arbitration has been made. Working hours have been lengthened, in disregard for the experiences of World War I, which showed that excessive hours reduce output. Measures have been taken, however, to ease the strain on workers and to adjust hours to changing war needs. Wages are still largely fixed by collective agreements and have been increased with rising costs of living. As prices rise, one of the gravest dangers faced by England is that of inflation. Yet the Keynes plan for preventing inflation has met with violent working-class opposition. The author gives no detailed account of the kind of taxation and price system which would help equalize benefits and sacrifices. Yet she implies in her brief discuscussion that such a system should be part of a sound labor policy. Trade-unions have renounced all rules restricting production but have received a guaranty that such surrender will be limited to the war period. Consultation between the Churchill government, the unions, and employer organizations has been frequent. The trade-unions have gained in prestige and strength. In general they have identified themselves with the government's war policy.

To social workers one of the most interesting sections of this monograph is the discussion of the war's effect upon the social services. Insured persons have been protected against loss of rights incurred by joining the forces or entering war occupations, the administration of health insurance has been simplified, and reforms in unemployment insurance and old age pensions have been obtained. The National Assistance Board, since the beginning of the war, has been intrusted with new functions. At present, only persons in institutions or those not ordinarily engaged in regular occupations remain under poor relief.

The war has affected the entire population, but especially the poorer sections of the working class. Their houses are most exposed to air attacks and most easily blasted apart. They have no resources to fall back upon and are evacuated with the greatest difficulty. Consequently, they are the chief victims of faulty sanitation, and their children suffer more than others from lack of education and increased child labor. Although *British Labor and the War* emphasizes the importance of a wise government labor policy for a successful war effort, one gets also a clear picture of the immense burden placed upon the lower-income group by totalitarian war.

Dr. Wunderlich omits discussion of labor's attitude toward peace and post-war reconstruction. She does, however, refer to Ernest Bevin as England's most influential political figure next to Mr. Churchill, and it is encouraging that Bevin in many of his public remarks has stressed the indispensable need for mass social security as an outcome of the war. He has kept the issues of the post-war world before him, even though intent on fighting Naziism. Unless this attitude becomes British policy, there is little hope for the post-war world even in the event of British military victory.

MARY SYDNEY BRANCH

UNIVERSITY OF CHICAGO

Criminal Youth and the Borstal System. By WILLIAM HEALY, M.D., and BENEDICT S. ALPER. New York: Commonwealth Fund, 1941. Pp. vi+251. $1.50.

The English method of institutional treatment for youthful offenders past the juvenile court age, known as the Borstal system, is nearly fifty years old, but until now there has been no detailed study of the operation of these institutions. Dr. Healy's firsthand observations of the Borstals were made at various times between 1929 and 1938, and in 1939 he and Mr. Alper were commissioned by the Criminal Justice-Youth Committee of the American Law Institute to make an intensive study of the system. The book is divided into three parts: the first is a brief summary of institutional methods used in this country in dealing with the corresponding age group and the discouraging facts with reference to the "cures" effected; the middle portion, which is the bulk of the book, is a history and appraisal of the Borstal system; while the two final chapters are devoted to a consideration of ways in which some of the promising aspects of this system can be adapted to American conditions.

The authors believe that it has been possible under the English system to individualize treatment to a greater degree than anything we have attempted. The institutions themselves, of which there were nine for boys and one for girls at the outbreak of the war, differ widely with respect to the work program, the academic training, and the physical plant. Further, these institutions are comparatively small, having populations of from 120 to about 300, which permits of a more flexible program than is possible in our reformatories, which usually house from two to three times this maximum figure. But perhaps the most important feature leading to more individualized treatment is the part played by the housemasters. These officers—one to every fifteen or twenty boys in the smaller open institutions—are responsible for the education, recreation, and personal features of the training system and are expected to give attention to individual boys, their history, problems, and needs. Half of these housemasters are university men, although there are no stated educational requirements.

Emphasis is placed on breadth of experience, on maturity and a ripened point of view, on demonstrated ability to get on with people. . . . . Men who have had experience in social work or clubs have a definite advantage, yet those without this history are not banned if they have other qualifications. In recent years, increasing reliance has been placed on training in social work and psychology. The earlier view still persists, however, and young men who have graduated from universities are advised to "knock about the world" for a year or two before they may be considered for the service [p. 98].

It is clear that these officers, chosen under civil service, are a very different sort from the politically appointed "housefathers" or "cottage officers" which are to be found in many of our state training schools and that they are expected to do much more than merely "keep the lid on." In fact, they are not concerned to any extent with discipline, special officers being appointed for this purpose.

The authors have attempted some comparison of the results obtained through the Borstal system and our own reformatory methods. Here they have been very careful to warn the reader that in view of the different methods used in gathering information and recording data, their conclusions should be regarded as only "roughly valid." However, using as the criteria of successful reformation, "lack of reconviction for an offense," their findings indicate a substantially higher rate of "successes" than was found by the Gluecks in their Massachusetts reformatory studies.

Certain weaknesses in the system have been observed and commented upon, among which is the almost total absence of the psychiatrist and trained social worker. One of the results of this has been that little has been done with psychiatric classification of offenders and with scientific diagnosis. In answering the criticism of the Borstal people that we have been preoccupied in this country with classification and diagnosis rather than individualized treatment, the authors agree but rightly insist that the two approaches are not incompatible and that treatment based on subjective impressions has its limitations.

Dr. Healy's enthusiasm for the Borstals is impressive in view of his long experience and distinguished research in the field of juvenile delinquency.

JAMES BROWN

UNIVERSITY OF CHICAGO

Belgian Rural Cooperation. By EVA J. ROSS. Milwaukee: Bruce Publishing Co., 1940. Pp. xii+194. $4.50.

At the end of the nineteenth century the Belgian agricultural population presented a picture of widespread and almost hopeless depression. This comprehensive and authoritative study gives an account of the transition from this state to one of very high educational standards and to a relatively secure economic position in the face of world-wide agricultural difficulties.

Although the soil, climate, and topography of the country are not particu-

larly advantageous for farming, approximately 25 per cent of the population are engaged in agriculture. One of the most distinctive features of Belgian agriculture is the large number of subsistence and "family" farms.

As Belgian rural co-operation can be understood only in the light of basic living conditions, the book first describes the physical environment and the way of life of the people, their ethnic differences, their religion and politics, and other aspects of their social life. The second part is an analysis of the prolonged agricultural crisis (1880–97). While the chief causes of this depression period have been assigned to the great decrease in cereal prices owing largely to the lack of protection against foreign competition and the tremendous increase in the sale of state property for cultivation purposes, the author finds also that the small Belgian farmer "lacked initative and up-to-date scientific knowledge, he was narrowly individualistic, slow to adopt ideas, and hostile to new processes and institutions."

In Part III a detailed account is given of how Belgian farmers solved their economic difficulties through action taken by the government, the work of private co-operatives, and the energetic efforts of the clergy. The history of the more important co-operative organizations of the present time is discussed at length; and their scope, functions, and structure are described so that their characteristic traits are evident. The Belgische Boerenbond, which has from the beginning been the most important of the Belgian co-operative enterprises, is perhaps the largest organization of its kind in the world. Certainly it has accomplished its objective of providing for the complete life-needs of its members which now number well over one hundred thousand families.

> It purchases their supplies, sells their products, and provides them with a bank to receive their savings; it gives technical advice and legal aid; it furnishes insurance and needed credit; it provides recreation for them and for all the members of their family; it helps the children of both sexes to love the country and to choose suitable rural avocations; it trains the daughters and wives in their housekeeping duties; it looks after their interests in the government; and it overlooks their religious concerns.

There has been considerable resentment and criticism of the Belgische Boerenbond because of its domination of the lives of its members and because it has "evolved considerably in the way of capitalism. . . . . Its institutions have nothing to do with cooperative principles and have become above all financial." But the management of successful economic enterprise, reaching such proportions as many of these co-operatives, has inevitably resulted in overemphasis of the profit motive. "The social good of the members somewhat suffered thereby, and the cooperatives gradually became more capitalistic than either the founders or those with cooperative ideals at the present day would think advisable."

Part IV compares conditions at the end of the last century and conditions today. What the co-operatives have accomplished, how the state of agriculture has improved, and the influence of these associations on the improved living

standards of the farming people are substantiated by many statistics and documents drawn from the best sources.

This excellent study has been supplemented by a valuable bibliography. The lucid style in which these scientific findings have been examined makes it a readable book for those interested in the co-operative movement, agriculture, and social and cultural change.

M. BRANSCOMBE

UNIVERSITY OF CHICAGO

Group Education for a Democracy. By WILLIAM HEARD KILPATRICK. (Auspices of American Association for the Study of Group Work.) New York: Association Press, 1940. Pp. viii+219. $2.00.

This book brings together articles by Dr. Kilpatrick that have appeared in various educational journals through the past few years. There is an underlying unity in the concern of all of them with education for functioning in a democratic society. The word "group" in the title adds nothing to the meaning of the volume except to indicate that the book is of value to educators engaged in group work and social agencies as well as to teachers in schools.

The articles fall into three main headings: (1) "The Demands of the Social Situation Today," (2) "Life and Learning," and (3) "Toward a Philosophy of Education."

Professor Kilpatrick sees the social situation today as characterized by swift change, disrupting the unity of our former integrated culture. This fact demands of us capacity to deal with change. The nature of society toward which the change is leading indicates the need for co-operative rather than highly individualistic attitudes and relationships if we are to emerge into a culture unified around the concept and practices of democracy. The tasks which the social scene presents for education, therefore, are: (1) to cultivate an understanding of these processes of change, (2) to stimulate critical thinking on real problems, and (3) to provide experiences in co-operative endeavor. "It is with live issues, unsolved problems that citizens have to deal." This sentence sets the task for education.

Faith that so sweeping and difficult a task can be made the goal of an educational process is based on Dr. Kilpatrick's concept of human intelligence and of democracy. He sees human beings as capable of adaptation and of growth in intellectual and social capacity. Some students will miss in Dr. Kilpatrick's analysis adequate recognition of the emotional factors in human development. On the other hand, these essays do not attempt to deal with all the problems involved in education, or do they make any claim to deal with methods of treating individuals having special difficulties. Moreover, one feels in the author's treatment a reliance on the emotional power of the democratic ideal and, even more, on the democratic experience, to furnish some of the drive needed for any sustained human effort.

Closely bound up with Professor Kilpatrick's faith in the possibilities of human growth is the keystone of his concept of democracy itself. He sees it as based on the value of human personality. The constant touchstone, therefore, of his idea for democracy is the opportunity offered for persons to grow and to make their unique contributions to society. He sees personalities growing best in the soil of human relationships which offers freedom of thought and responsibility for group criticism, decision, and action. Such a soil is the soil of democracy. As he sees human thought and beings as constantly growing, so he sees democracy not as a fixed system but as a process. Not force, therefore, but study and experimentation are its essential tools. "The way to serve democracy," according to Professor Kilpatrick, "is to get more people to study our problems and to find out what is wrong in order to change it before it is too late."

Here, again, one may miss a certain recognition of deep-seated emotional blocks to change which affects ancient prejudices and customs. Dr. Kilpatrick does not deal with these blocks. This is partly due to the fact that the book is frankly a series of sketches rather than an attempt at exhaustive analysis. It is doubtless due also, in part, to the faith in human intelligence per se which his analysis of human nature reveals.

This is not to say, however, that one cannot find in this little volume practical and down-to-earth treatment of what education for democracy means. As an example of this practical quality it is worth while to repeat here the list of criteria proposed by the author for judging whether opportunities granted make for democracy:

I. Is purposeful activity present and how intense is the interest in it? (Purposing contemplates doing something, not merely thinking about it.)
II. Is adequate provision made for wise guidance?
III. To what extent is there provided the opportunity for making conscious choice?
IV. To what extent are the highest available motives utilized?
V. To what extent is there present the opportunity to develop, in community with others, an ever-increasing range of active social interests?
VI. To what extent is opportunity provided to study the nature and working of our social institutions?
VII. To what extent is opportunity provided for co-operation to social ends in ever-widening social groups?

These essays have a special kind of value today. For the most part, they were written before the past few years when democracy has been discussed in a setting of world-conflict. There are few "banner words." Democracy appears not as a flame burning amid gathering darkness but rather as clear, cool water in an arid landscape. The style is free of jargon, simple, and lucid. It reflects sureness of method and a basic philosophy which, although pragmatic, is characterized by coherence and conviction.

LUCY P. CARNER

COUNCIL OF SOCIAL AGENCIES
CHICAGO, ILLINOIS

BRIEF NOTICES

Public Administration and the United States Department of Agriculture. By JOHN M. GAUS and LEON O. WOLCOTT. Chicago: Public Administration Service, 1940. Pp. x+534. $4.50.

As the authors say in the Foreword: "The United States Department of Agriculture is one of the largest agencies of government in the world. Its activities are varied. . . . . The increasingly close association of interest groups with government is well exemplified in its history and present programs. It is an outstanding example of the association of science and government. For the successful discharge of its responsibilities it must collaborate with state and local governments. . . . ." Because the Department of Agriculture does, from both the administrative and the service view points, exemplify our federal system in action, this research into what it does and how it does it is significant.

The first part of the book reviews the history of the department. The second part outlines its activities. The third and last part presents an analysis of the department from the viewpoint of public administration. The study was financed by the Social Science Research Council.

FRANK Z. GLICK

SCHOOL OF SOCIAL WORK
UNIVERSITY OF NEBRASKA

The Commonwealth Review: A Journal of Public Policy and Practice, May, 1940. Eugene: University of Oregon, 1940. Pp. xxii+130.

This number of the quarterly which is edited by the faculties of several colleges and schools at the University of Oregon devotes space to a summary of the Eighteenth Annual Commonwealth Conference, which was held on the campus at Eugene in April, 1940.

The general topic of the conference was "The More Urgent Problems of Rural Communities and Very Small Towns." The one-day conference was divided into two sections, the first of which dealt with "General Community Needs and Problems" and with "Problems of Religious Education in Rural Communities and Small Towns." No formal papers were presented in section 1, but the journal contains an interesting summary of the discussion which included considerable emphasis on rural social resources.

Section 2 was addressed at both sessions by Dr. J. C. Bennett, professor of practical theology, Pacific School of Religion. The content of his discussions appears also in this number of the *Commonwealth Review* under the title "Church Unity and the Small Community."

Social workers in rural communities will find this number of the *Review* both interesting and helpful as illustrative of what may be accomplished through group conferences on rural community organization under state leadership.

G. B.

Alabama Rural Communities: A Study of Chilton County. By IRWIN T. SANDERS and DOUGLAS ENSMINGER. Published in co-operation with the Bureau of Agricultural Economics of the U.S. Department of Agriculture. (Bulletin Published Quarterly by Alabama College, Vol. XXXIII, No. 1A.) Montevallo, Ala., 1940. Pp. 80.

This interesting study is a complete inventory of the social organization of a rural county with the focus upon the neighborhoods and communities and the way the people view their own social scene. Recognizing that progress and leadership depend to a great extent upon a broad understanding of the social setting, the resources, and the disorganizing forces within the community, an attempt has been made "to develop a method by which the business man, the newspaper editor, the teacher, or any wide-awake citizen can get a clearer picture of what an Alabama community really is."

This is just the tool we have been looking for as we consider community organization for various services to provide more adequate living and better social and economic adjustments in rural areas. Its authors have had the co-operation of the Bureau of Agricultural Economics and Alabama College in carrying out their project.

The unquestionable value of such a survey and the results obtained by this method of studying neighborhoods, natural communities, and service areas recommend its application in other rural counties and communities. The fine social point of view of the people in Alabama would make utilization of this method in a state-wide study by counties a significant contribution.

M. B.

Your Community: Its Provision for Health, Education, Safety, Welfare. By JOANNA C. COLCORD. New York: Russell Sage Foundation, 1941. Pp. 261. $0.85.

When this book was first published in 1939, this reviewer predicted that it would "reach a much wider audience than most professional literature in our field." The event appears to have justified this prediction. The jacket of the revised edition announces that "this copy is part of the thirteenth thousand." This is a truly phenomenal sale in a two-year period and suggests that the publication met a very genuine demand.

The revised edition does not differ substantially from its predecessor. The chapter and section headings are almost identical. "Survivors' Insurance" has been added in the new volume and "Protection of Family Income and Investments" has been rewritten and renamed "Protection of Small Borrowers and Credit Purchasers." The Bibliography has been expanded and improved. In general the changes are chiefly expansions. For example, the chapter on "Educational Resources," which contained 118 interrogatories in the first volume, now has 124.

The author adopts the broad approach to the field of community organization. She hopes to help social workers to think of the community aspects of their jobs in terms of the fundamental economic and governmental problems that condition the development of healthy group life. She succeeds admirably in indicating the kinds of information the social worker will want to collect as a basis for this approach. She is too comprehensive, if anything. Limitations of time will doubtless operate in most welfare offices to restrict the application of these outlines. Nevertheless the book, which is well organized and clearly presented, must be regarded as a genuine contribution of first-rate importance.

W. McM.

Program Planning Studies. By MILDRED H. ESGAR. New York: Woman's Press, 1940. Pp. 134. $1.00.

This monograph describes a method of evaluating needs and planning a program for a specific agency—the Y.W.C.A. The methods suggested differ from those ordinarily used in an administrative study. They are also different from the approach usually adopted in investigations that attempt to isolate certain problems in order to analyze them exhaustively. Actually the methodology outlined here combines an educational objective with some of the elements of both these types of studies. The educational purpose is stressed throughout, as, for example, in the following description of the qualifications required to direct such a study successfully: "She [the director of the study] must be familiar with the techniques of social investigation, but above all else she must have skill in the application of good group-work methods and democratic processes "(p. 27).

It is entirely consistent with this dual purpose, therefore, to suggest that "sometimes members of the committee [a lay group] will carry responsibility for administering schedules, tabulating data, and so on" (p. 28). Perhaps this procedure would work successfully with respect to certain aspects of the study, such as distributing association members on a map by place of residence. But it is difficult to envisage a lay committee that could assume the degree of responsibility suggested in gathering data about employment opportunities for girls and women and about working conditions in establishments that employ women (pp. 65–69). The conclusion is inescapable that some parts of the study would undoubtedly terminate as soon as enough facts were in to provide a basis for discussion rather than when the problem had actually been completely and exhaustively analyzed. The author's statements appear to support this view. In her description of procedures (p. 28) she says: "The primary method employed by the committee and staff will be group discussion, based upon analyzed data."

There is undoubtedly a place for studies that are designed to promote understanding and to stimulate lay participation. Since a major function of private agencies is to spread throughout the community knowledge of social problems, social needs, and social programs, the procedures outlined here may be serviceable to other kinds of voluntary social agencies. But this approach, as the author herself implies, is not suited to community studies or to agency investigations that aspire to provide a thorough analysis of a specific social problem in the community.

W. McM.

Government of the American People. By JEREMIAH S. YOUNG, JOHN W. MANNING, and JOSEPH I. ARNOLD. New York: D. C. Heath & Co., 1940. Pp. 825. $3.75.

This textbook attempts to apply the principle of integration, more extensively than any other now available, to functions of governments as well as to agencies and processes. The method is sound in itself and helpful to the students.

The book's approach is naturally historical, but in all cases the historical sketch is followed by a statement of the leading features of the American system as embodied by institutions. The authors have nowhere overlooked the importance of emphasizing the evolutionary point of view. They show our concepts and our institutions in the process of growth and adaptation to changing conditions.

Their treatment is neither dogmatic nor academic. They have consulted influential contemporary writers as well as old authorities. They have, in short, produced a very satisfactory textbook on a subject of ever increasing complexity.

Inevitably, some developments of moment are discussed with drastic brevity, and the students get little idea of the drama behind the recorded facts. This is true, for example, of such matters as America's nonentrance into the League of Nations and the World Court, the role of the federal Senate in treaty-making, or treaty-killing, the abuse of judicial review under conservative majorities in the appellate courts, the rise of the city-manager type of municipal government. It is to be hoped that the students who use the textbook under notice are encouraged to read much more on these and similar subjects and to discuss them fearlessly and vigorously in the classroom and elsewhere. The best textbook requires intelligent implementation and directed collateral reading.

VICTOR S. YARROS

CHICAGO

Governments of Continental Europe. Introduction by JAMES T. SHOTWELL. New York: Macmillan Co., 1940. Pp. 1090. $4.50.

This is a composite work, as timely as it is competent and scholarly, on the governments of France, Germany, Italy, Soviet Russia, and the Scandinavian countries. The authors of the several studies are, respectively, R. K. Gooch, Karl Loewenstein, Arnold J. Zurcher, Michael T. Florinsky, Nils Herlitz, and John H. Wuorinen. The Preface and the elaborate Introduction, by Professor Shotwell of Columbia University, prepare the reader for the historical and analytical sections. In the careful Introduction the problem of government, the nature and origin of the state, the challenge of recent events, and the radical differences between democracy and totalitarianism are discussed with admirable lucidity and breadth.

The initial plan of the volume, it appears, was suggested by the publishers, who had the requirements of college students and college faculties particularly in view. Certainly these groups will welcome the volume, but it should be recommended to intelligent readers generally. The viewpoint throughout is democratic, liberal, and evolutionary. None of the writers despairs of the country he treats of, being well aware, all of them, of the importance of national traditions and deep-seated, ingrained sentiments. Predictions are avoided, but the hopes and inferences warranted by historical evidences are not ignored.

Only Professor Florinsky's section on Soviet Russia is distinctly colored by a strong bias. That Russia is definitely socialistic is not denied, but that it is not in any proper sense democratic, or free, is asserted with vigor and emphasis. The Webbs are rather severely criticized for saying that there is no Stalin dictatorship; their argument in support of that affirmation is, however, inaccurately and unfairly stated. This is a flaw that cannot be passed unnoticed.

To the section on France a valuable appendix is added that brings the story up to date and throws light on the counterrevolution of 1940 and the real significance of the Vichy or Petain regime.

V. S. Y.

Municipal Administration. By JOHN M. PFIFFNER. New York: Ronald Press Co., 1940. Pp. 582. $4.00.

The author of the well-known *Public Administration* has presented another volume meriting the attention of those interested in better government. This book was designed primarily as a text and reference book, and the author suggests that "administrators and technicians will find reading fruitful only in those chapters containing subject matter to which they are themselves laymen."

After dealing briefly with the principles of administration, Dr. Pfiffner launches into the practical aspects of municipal management. He advocates the treatment of the problem through a scientific approach, i.e., administrative problems should be solved by getting all the facts and acting in accordance therewith. Research is, therefore, presented first among the staff and housekeeping functions because a sound base is thus provided. He then discusses the administration of the protective functions, public welfare, physical planning, public works, public utilities, and cultural activities.

Dr. Pfiffner deserves praise for his ability to present such a wide range of administrative problems and their treatment in a clear, concise, and co-ordinated work. The material used for illustration has been well chosen and adds to the interest and reality of the topics.

WILLIAM C. NEWTON

UNIVERSITY OF WASHINGTON
SEATTLE

Social Disorganization. By MABEL E. ELLIOTT and FRANCIS E. MERRILL. Rev. ed. New York: Harper, 1941. Pp. 1087. $3.75.

This comprehensive text, now brought down to date, should be useful in college classes. The material is carefully documented and covers the so-called social inadequacies under three main divisions—"Individual Disorganization," "Family Disorganization," and "Community Disorganization."

Under "Individual Disorganization" the authors present material with reference to adolescence, the juvenile delinquent and the adult offender, prostitution, drink, unemployment, and mental deficiency. By rather a strange characterization the man in industry, as well as women and children in industry, is included under "Individual Disorganization," as is the period of adolescence.

Part III, which is devoted to "Family Disorganization," contains chapters on the "Changing Family," the "Romantic Fallacy," "Family Tensions," and "Family Disorganization," which means desertion and divorce. Each chapter is provided with a selected bibliography, and every statement is carefully, even elaborately, documented.

Social Pathology: Obstacles to Social Participation. By STUART ALFRED QUEEN and JEANETTE ROWE GRUENER. Rev. ed. New York: Thomas Y. Crowell Co., 1940. Pp. x+662. $3.50.

In this second and reorganized edition of *Social Pathology* the authors attempt to determine how far certain mental, physical, economic, and social handicaps tend to affect the social participation of individuals. Within this framework are included some

groups as, for example, the "uneducated" and the "poor whites" not customarily listed as distinct. Another innovation is the listing of the "unmarried mother," "the ex convict," and "broken homes" and "divorces" as "personal stigma." Otherwise the volume follows the traditional pattern of indicating with a generally good selection of material the nature and prevalence of selected social problems together with social organizations which strive to prevent their occurrence or lessen their effects. However, this reviewer questions the use of case histories in a volume dealing with the sociological aspects of social problems. Case work is a highly professionalized skill the implications of which tend to be lost sight of when such histories are used without the accompaniment of keen analysis by the case worker. Furthermore, available statistical and descriptive material would seem better to indicate the generality of the social pathologies than case material which is specific and individualized.

M. C.

Meet the Murderer! By LEWIS E. LAWES. New York: Harper & Bros., 1940. Pp. 339. $3.00.

Lewis E. Lawes, the veteran warden of Sing Sing Prison in New York, has written another revealing account of life and death in prison. The publication deals with society's treatment of persons convicted of murder, a subject often neglected in studies of the treatment of crime. Warden Lawes, who has long opposed capital punishment, bases his book on the observations and reactions experienced in his official capacity at the institution. He includes accounts of murderers' lives and crimes, their behavior during long confinement or the period preceding execution, and the variegated viewpoints of prison personnel and members of outside society. Warden Lawes's analyses of some of the pivotal aspects of the existing public policy are important enough to be mentioned briefly. He examines the question of whether the death penalty is an effective deterrent force and concludes that it is not, either for murders of passion or for murders committed in the course of crimes for property gain. He further believes that it is a strong possibility that innocent persons have been executed for murder and notes the impossibility of rectification in such cases.

Warden Lawes points out that 70 per cent of the murderers he has studied did not have prior criminal records and that the great majority of those who are released from confinement do not relapse into any type of crime. He advocates the psychiatric treatment of abnormal sex offenders, at first recognition, in specialized institutions, where they would be segregated until such time as they could safely be released, in place of a succession of prison terms and the possibility of the ultimate occurrence of a tragedy. The author does not minimize the difficulties in any preventive approach to the problem of murder, in view of the unpredictable effects of special circumstances and emotional states, but he does point the way to a considered and scientific re-examination of the present methods of treating the offenders. The publication is written as a lay, conversational narrative, and part of the material is more dramatic than significant, as it is primarily a book for general public consumption. But the constructive observations and the general balanced treatment render it a useful vehicle for public interpretation in a numerically small but important area of crime, and, furthermore, the legislator and the social scientist may profitably peruse its pages.

HOWELL WILLIAMS

UNIVERSITY OF CHICAGO

Dealing with Delinquents. New York: National Probation Association, 1940. Pp. 341. $1.25.

The 1940 yearbook of the National Probation Association, like its predecessors, consists of three parts: the papers given at the annual conference, to which the major portion of the book is devoted; a digest of legislation and judicial decisions affecting parole, probation, and juvenile courts; and the annual report of the association.

There are a number of outstanding papers this year; however, the one which is likely to be of most general interest was contributed by William Draper Lewis and is entitled "Treatment of the Adolescent Offender." This is a discussion of the Youth Correction Authority Act drafted by the American Law Institute, of which Mr. Lewis is director. Along with an analysis of the provisions of the act is an interesting statement of the reasons which led the distinguished members of the legal profession constituting the membership of the Institute to turn their attention to this particular problem and to work with those "lesser breeds without the law"—social workers, psychiatrists, and sociologists—in the actual drafting of the measure. This paper is followed with a "Comment" by Charles Chute, director of the National Probation Association, in which he suggests some important administrative problems which need to be studied before an effort is made to present the proposal to the legislatures.

The range of the other twenty-odd papers is suggested by some of the section headings: "Juvenile Court–Community Relationships," "Following Up the Delinquent Child," "Some Types of Adult Offenders," "Probation and Parole Administration," etc.

There is now a long shelf of these yearbooks containing important contributions to the literature of delinquency. In many instances this material is not conveniently available elsewhere, and it is this reviewer's opinion that a periodic index would make these volumes even more useful to students and workers in the field.

JAMES BROWN

UNIVERSITY OF CHICAGO

Filibustering in the Senate. By FRANKLIN L. BURDETTE. Princeton: Princeton University Press, 1940. Pp. 3+252. $2.50.

While the Lend-Lease Bill was being discussed in the Senate and there was some uncertainty as to how long the opposition would postpone its enactment, a British naval officer asked the Columbia Broadcasting spokesman in England what was meant by the word "filibuster." Professor Burdette has not only defined it (p. 5), but he has given a sketch of the use of this device for delay, so far as it has been applied to proceedings in the United States Senate. The story is an extremely interesting one, and there are several incidents which would remain in the memory of older social workers and be especially interesting to all social workers.

Those interested in the reorganization of the services under the Social Security Act in 1935 will not forget the failure of the Congress, because of a filibuster by Huey Long, to appropriate under a third Deficiency Act, so that the Social Security Authority had for the time to rely on grants by the Department of Labor and could go forward in the exercise of its new powers only in a limited way.

Pacifists recall the fourteen votes which supported the older La Follette in his resistance to the United States entering the war of 1914–18. It is well for social workers to be reminded of the dilemma when the choice is between what may be shortsighted

control by a majority and the failure to act by a recalcitrant minority able to create the situation because there is a fundamental conflict in public opinion. In the case of such a conflict it is well that the solution should be found, as Professor Burdette suggests, "in the action of the voters in the election of representatives with a keen sense of public responsibility," rather than "in a set of rules."

S. P. B.

Education for Social Understanding Programs of Case Work and Group Work Agencies. By GAYNELL HAWKINS. New York: American Association for Adult Education, 1940. Pp. 196. $1.25.

Recognizing that the differences in scope, function, and purpose among organizations classified as social work agencies are so varied as to defy a simple definition of social work, the author of this volume views social work as an entity in our society, the component parts of which have at least one common attribute, namely, the educational influence which is exerted upon millions of citizens whose lives are touched intimately. With this in mind, a variety of observations in communities where agencies were "alleged to be doing a particularly good educational job" have been used as the basis of an attempt "to form a picture of the educational content of social work as it is translated by social workers to their clients, their volunteers, their members and the public."

These observations are interesting, revealing, and thought-provoking. However, it seems to the reviewer that "those educational forces in social work which could give an internal unity and which could form criteria for evaluating that education which now takes place" might have been given more clarification, particularly for the benefit of those readers inexperienced in adult education and without knowledge of social work.

M. B.

Social Ecology. By MILLA AISSA ALIHAN. New York: Columbia University Press, 1938. Pp. 256. $2.75.

With the present insistence that the effective meeting of social problems requires an understanding of the underlying forces at work and the trends that they evidence, it is well that the possibilities as well as the limitations inherent in the approach to our social problems through social ecology be made comprehensible. The present critique of social ecology is done sympathetically, yet with a keen awareness of the weakness of any attempt to encompass all social phenomena within one grand principle and the processes associated with it. The social ecologists remind us that man is a part of nature and that his life is related to an underlying physical environment which his sociocultural experience may obscure from his sight but which, nevertheless, remains an essential influence in his life. The author minutely examines the various aspects of ecological theory and its practical import and gives a fair summary of the school itself.

F. M. W.

The Plans of Men. By LEONARD W. DOOB. New Haven: Yale University Press, 1940. Pp. 410. $3.00.

Much less is written about planning these days than several years ago. Planning for defense and war is generally accepted as necessary, while social and economic plan-

ning for peace conditions has been adjourned indefinitely, at least by the democratic governments. This is perhaps humanly natural, yet after the present war changes and readjustments will have to be effected on large scales, and scientific thinkers are under no obligation to refrain from discussing the planning involved in the conception of a new, saner, and fairer social order.

The Institute of Human Relations has done well to encourage publication of Professor Doob's carefully written book on planning—its scope, value, and present limits. He offers no blueprint of a completely planned society. He does not attempt to answer all the questions raised by the planners or by the militant opponents of social planning, who assert that laissez faire is more effective in promoting economy, efficiency, and welfare than comprehensive and ambitious planning. He is not impressed by the statement that planning spells regimentation, totalitarianism, and the destruction of freedom and initiative. He opposes "master plans," but such, at present, are neither necessary nor desirable. What is desirable and feasible is regional planning, of the T.V.A. type, as well as planning within limited and well-defined fields, such as re-employment of the idle who want and seek work.

The trends toward planning are unmistakable. They are still chaotic, but experience, trial and error, will gradually develop order and clarity, and success will become increasingly possible. Moreover, there is such a thing as the right education of planners and for planning. The social sciences, inexact as they are, have their respective contributions to make to the art and technique of planning. They indicate goals and throw light on the human material to plan for and on the difficulties likely to be encountered. War planning is universally acquiesced in and is quite adequate under enlightened leadership. Why cannot peace planning, on the basis of known moral equivalents for fighting, be scientifically studied and attempted? The answer is, it can and should be attempted.

The book is not a dogmatic defense of planning but a very judicious and philosophical inquiry into the manifold problems of planning and the methods of avoiding the dangers of bureaucracy, spoils politics, and exploitation of planning by selfish interests and shortsighted pressure groups. No educational institution above the grammer school can afford to neglect so timely and instructive a work.

VICTOR S. YARROS

CHICAGO

REVIEWS OF GOVERNMENT REPORTS AND PUBLIC DOCUMENTS

Interstate Migration: Report of the Select Committee To Investigate the Interstate Migration of Destitute Citizens, House of Representatives. (77th Cong., 1st sess., Report No. 369.) Washington, D.C., 1941. Pp. 741.

The long awaited report of the Tolan Committee[1] is finally available in one volume, including the technical supplement, in addition to ten volumes of testimony taken by the Committee in its eight sets of hearings. This wealth of material is a mine of information for social workers who for the last twelve years have seen the problem of migratory labor shelved by congressional committees, state committees, and local committees alike. This great question is now rescued from the limbo of lost causes, and it is to be hoped that Congress will in the near future take proper action. The Committee points out that

> the American people are in process of deciding that there are some important domestic problems which cannot be postponed for the duration of the national defense emergency. Migration is on the list for immediate attention.
>
> Migration, increasingly serious throughout the thirties, had commanded national attention by the end of the decade. The annual movement of thousands of agricultural migrant families called for congressional investigation; this inquiry, in turn, disclosed that, unnoticed by the public, an even larger interstate movement of non-agricultural families and individuals had been developing.
>
> These movements of large numbers of American families proved to originate in a variety of deep-seated causes in many areas. Basically, most of these causes were related to declining economic opportunities for people with more than average initiative who would not accept a permanently hopeless lot in the spot where they resided.

The causes of these movements are set forth in detail both for the agricultural and nonagricultural population. In agriculture such causes are noted as drought and soil erosion, and perhaps the long-run decline in agricultural markets. "The pressure to migrate from the cities had its roots during the thirties in the unemployment problem."

The Committee refers to the long depression decade when hundreds of thousands of the migrant families were on the move every year.

[1] See this *Review*, XIV (1940), 749; XV (1941), 121–23.

Many of them ultimately bettered themselves by the move, but most of them suffered severe hardships while in the process of migration. By and large, their incomes fell within the lowest sixth of the range of national-income groups and were precarious and intermittent, their housing was of the poorest, educational opportunities for their children scanty or nonexistent, and above and beyond all else the chances of their receiving public assistance were in most States highly unlikely.

Recommendations of the Committee are divided into three parts, as follows:

1. Measures to forestall, as far as possible, unnecessary migration of large groups of people whom the committee has designated in its preliminary report on January 3, 1941, as "potential migrants"
2. Measures to alleviate the condition of migrants now on the road
3. Measures designed to assist these migrant people to secure a new start or at least to stop their wanderings

One of the Committee's most important recommendations is the establishment of a fourth category of public assistance under the Social Security Act. There are numerous detailed recommendations regarding possible methods of assisting migrants to get a new start and to make proper provision for the housing and sanitation of migratory agricultural workers. The Committee also proposes to regulate private employment agencies engaged in interstate commerce and recommends various other protective and preventive measures. Social workers may well express appreciation of the work of Congressman Tolan and the members of his committee in this important and neglected field of social welfare.

E. A.

The Compensation of War Victims: Medical Aid, Compensation and War Pensions. London: International Labour Office, 1940. Pp. 91. $0.50.

Once again world-conditions and even the position of the United States of America make extremely timely the publication by the International Labour Office of *The Compensation of War Victims*, with the subtitle *Medical Aid, Compensation and War Pensions.*

The report of ninety-one pages is divided into two parts: the first dealing with "General Principles of Compensation" and the second with "The Legislation in Force in France, in Germany, in Great Britain and in Italy."

To the general reader the first part discussing principles is the more interesting. No effort will here be made to summarize it because it is itself in twenty pages a model of summarization. In fact, it is so concise that one must study it carefully rather than skim through it.

General principles are discussed in three major sections: (*a*) "Legal Basis of Compensation"; (*b*) "Conditions of Claiming Compensation"; and (*c*) "Benefits Provided." The section on "Legal Basis" will doubtless prove of maximum

interest to students of social welfare as it deals with the conceptions of the nation's obligation upon which benefits are paid. Four conceptions of obligations are differentiated and discussed, although apparently in no country has any one conception been adopted to the exclusion of all others and logically and consistently applied. All the laws seem to involve some compromises and some modifications on the basis of the capacity of the state to pay. The four conceptions are:

(*a*) as a debt of gratitude or remuneration for services rendered; (*b*) as an obligation to grant relief, based on the right of every individual to live and on the interdependence of all members of society; (*c*) as an obligation to make good the injury suffered, this obligation deriving from the conception that no citizen should be required to contribute more than his fair share in the service of the community; (*d*) as an obligation derived from the conception that the State is responsible for all its acts, including the acts of the Government.

The concept "Relief Based on Social Solidarity" is that the benefits granted war victims are

in the nature of relief . . . . rooted in the obligation of the community to assist persons who are not capable of self support and if necessary to provide them with the whole of their livelihood. . . . . The obligation to grant relief may be considered as deriving on the one hand from the right of every individual to live and on the other hand, from the fact that it is in the interests of the community not to overlook this right, the infringement of which would involve social disorders and demoralisation.

The detailed summarizations of the laws in force in the several countries and particularly the laws of Germany are interesting as throwing some light upon the problem of integrating compensation of war victims with social security programs for the civilian populations.

LEWIS MERIAM

BROOKINGS INSTITUTION

Farmers in a Changing World: The Yearbook of Agriculture, 1940. (Publication of the U.S. Department of Agriculture.) Washington, D.C., 1940. Pp. xii+1215. $1.50.

This heavy volume is a compendium of more than fifty separate articles, with the author of each, in nearly every case, an employee of the Department of Agriculture. Within its pages is to be found a panorama of American Agriculture—its history, its significance, and its problems. It should be a valuable reference book.

The fifty-odd articles are grouped under seven headings. The two parts which social workers will first turn to are Part III, "The Farmer's Problems Today and the Efforts To Solve Them," which fills about half the volume, and Part V, "What Some Social Scientists Have To Say." But social workers will

look in vain for an adequate treatment of the Farm Security Administration, for any discussion of public assistance in relation to farmers, or for an article written by a social worker. He will be interested however in such items as rural taxation, rural electrification, farm tenancy, overcrowded farms, education for rural life, and others.

F. Z. GLICK

SCHOOL OF SOCIAL WORK
UNIVERSITY OF NEBRASKA

Fifth Annual Report of the Social Security Board, 1940. By the FEDERAL SECURITY AGENCY. Washington: U.S. Government Printing Office, 1941. Pp. ix+208.

The fifth year of the Social Security Board's operation is notable, first, for the development of activities previously begun; and, second, for the extension and clarification of the program as a result of the 1939 amendments to the Social Security Act. The most significant legislative changes were the organizational changes effective July 1, 1939, under the President's Reorganization Plan No. 1, which created the Federal Security Agency; the extension of the federal old age insurance program to include family and survivors' benefits and to make benefits payable in 1940 rather than 1942; and the requirement, effective January, 1940, that states establish and maintain merit standards for public assistance and employment security personnel as a condition of the receipt of federal grants under the Social Security Act.

The first chapter of the *Fifth Annual Report* presents a summary of these changes in the functions and administrative organization of the Social Security Board and some of the results as they relate to the working relationships of the Board and the other components of the Federal Security Agency, the integration of the employment service and unemployment compensation activities within the Board, the increased volume and tempo of activities in connection with the new provisions for federal old age and survivors' insurance, which constitutes the largest area of the Board's responsibilities, the establishment of policies relating to the use of objective personnel standards applicable to state personnel engaged in social security programs, payments to individuals and grants to states under the Social Security Act, and the extent to which states and eligible jurisdictions have participated in the various social security programs.

With regard to future developments, consideration is given to administrative and legislative changes needed to promote national security and to special and general aspects of the program which the Board believes deserving of further study by the federal government and by the states. Their recommendations include extension of the coverage of the social insurance programs as

rapidly as feasible to most of the major excepted employments; federal grants-in-aid for general relief to offset deficiencies and gaps in other aspects of the program and to aid needy migrants and their families; the improvement of state unemployment compensation laws to assure more adequate benefits, more adequate and equitable financial provisions for public assistance programs, particularly in the case of the maximum federal share of payments to recipients of aid to dependent children and administrative costs for old age assistance, and, as a means of overcoming serious differences among the states in the levels of payments to recipients of public assistance, the inauguration of the principle of variable-ratio grants as the basis of federal participation in state programs.

Separate chapters on each of the three operating bureaus—Old Age and Survivors' Insurance, Employment Security, and Public Assistance—present a detailed account of the operations and future plans of these bureaus.

The final chapter, entitled "Coordination and Planning," deals with administrative organization, procedures, and devices through which the functions and responsibilities of the Board have been made effective. The social security amendments of 1939 have resulted in increased emphasis being given to qualitative analysis of the operation of the several programs, to more effective implementation of existing measures for economic security, and to exploratory studies of aspects of insecurity not adequately dealt with by existing legislation. An account of the research, analysis, and planning along these lines, together with technical publications, is included.

The *Report* is supplemented by data relating to developments during the period July 1–October 31, 1940, which provide recent information on activities of federal and state agencies concerned with the Social Security program in connection with the plans for national defense. The *Report* is implemented by the appendixes containing informative statistical data and interpretations relating to all phases of the Board's activities.

The clear, concise, and complete reporting of activities, results produced, contemplated developments, and recommendations for legislative and administrative changes is one of the essential instrumentalities of sound administration. This excellent document is an achievement in this area. Its contents and format commend it for study by other agencies and jurisdictions in all areas of public service.

Confronted with national and international developments that test the very foundations of our social, economic, and political structures, it behooves the national administration and its counsels to examine and utilize the vital facts elucidated in this *Report* about the well-being of our population at home and the urgency of waging war against their needless suffering and discouragement. This *Report* brings out forcibly the actual and potential services that can be rendered through the existing national and state organizations under the Social Security Act and related public services which provide a nation-wide foundation for activities in behalf of enlisted men and their families and others concerned

with national defense. This is a striking contrast to the situation existing in 1917, "when similar problems were raised by the entry of the United States into the World War." It is equally a matter of vital national concern that this resource should be utilized and its flexible structure be adequately expanded to meet both current needs and to insure protection to long-time programs of constructive national development.

M. BRANSCOMBE

UNIVERSITY OF CHICAGO

Child-Welfare Services under the Security Act, Development of Program, 1936–38. (U.S. Children's Bureau Publication No. 257.) Washington, D.C., 1940. Pp. 82. $0.15.

This "kaleidoscopic record of rural America" includes a brief general review of what the states co-operating with the Children's Bureau in extending social services to children under the provisions of the Social Security Act have accomplished in the first two years of the program, together with reports from the forty-seven states, District of Columbia, and Alaska on the developments that have taken place in each jurisdiction.

Since the enactment of the Social Security Act general state-wide services for children have been made available in all the jurisdictions, including Wyoming, whose plan for child welfare services was approved December, 1939, and Puerto Rico, to whom the benefits of the Social Security Act were extended in 1939 and whose plan was approved July, 1940. With the establishment of special child welfare divisions within the state organization and with the appointment of professionally trained and experienced child welfare workers there has come about improvement in local services to children. The extent of the services that are being rendered is indicated by the statement that "during the month of June 1938 more than 43,000 children in approximately 500 counties from Aroostook County in Maine to Riverside County in California and from Pembina County in North Dakota to St. Charles Parish in Louisiana were given some form of service by workers whose salaries were paid in whole or in part from Federal funds allotted to the States." Some interesting statistics show that in counties where co-operative programs have been set up emphasis is being put on keeping children in their own homes rather than providing them with foster-care. While all the states must conform to provisions laid down in the federal act in order to qualify for federal aid, the Children's Bureau in approving state plans, which are developed jointly with the co-operating state welfare agency, takes into account differences in state and local programs for child care and protection. As a result, the individual state reports, which form the major part of the bulletin, show considerable variation, but in every one there is evidence of greater recognition of the special needs of children.

MARY ZAHROBSKY

UNIVERSITY OF CHICAGO

Four Years of Public Welfare in Indiana, 1936–1940. By the INDIANA STATE DEPARTMENT OF PUBLIC WELFARE. Indianapolis, 1941. Pp. 375.

The Indiana Department of Public Welfare is to be congratulated for publishing a four-year report that is so attractive in format that it will appeal to the general public. The numerous illustrations are interesting and add greatly to the informative nature of the report. The Foreword says, "Perhaps no field of governmental effort depends to quite such a degree upon public understanding as do the various functions of the Department of Public Welfare." The report is presented with a clear understanding of the need for co-operation from the public.

In view of the fact that the substantive report shows the continuous process of development and growth of public welfare in Indiana since the passage of the 1936 Welfare Act, it is ironic that this law should now be so drastically changed by the recent passage of Senate Bill No. 14. The report says:

> In short, while no public welfare program worthy of the name may ever be considered a finished and completed product, it is probably safe to say that the Indiana welfare program has passed through its initial period of development and has entered upon its second phase, when, with the mechanics of organization and administration safely out of the way, the department may expend its full energies toward serving its clients.

The report itself has been divided into two main parts: the "Department of Public Welfare" and the "State Institutions." The first part contains chapters on each of the administrative divisions of the State Department of Public Welfare. The second section contains chapters on the various types of institutions.

The material presented has been selected to serve three main purposes: (1) to show how legal responsibilities have been met; (2) to account for the expenditure of public funds; (3) to present an objective consideration of some of the social problems which are the direct concern of the welfare department. Throughout, a special effort has been made to present the various welfare functions in their proper historical perspective.

The Department of Public Welfare is the product of the Indiana Welfare Act of 1936, which grew out of the state effort to co-operate with the federal government after the passage of the Social Security Act. This was the first time the state had joined hands with the nation and the county to provide a co-operative, planned program to meet social need with the remedies at hand.

The report gives a picture of the scope of functions administered by the department, which is responsible for the well-being of nearly 160,000 unfortunate persons. The department has seven major divisions, and the work of the department is assigned to and carried out principally through these divisions. The personnel of each consists of the director and the necessary technical and clerical assistants. They are: Division of Public Assistance, Children's Divi-

sion, Division of Services for Crippled Children, Division of Corrections, Division of Medical Care, Division of General Administration, and the Bureau of Personnel. The ninety-two county departments of public welfare, also established by the Indiana Welfare Act of 1936, are described as the front-line service units in all federal-state-county public welfare activities.

One by one, Public Assistance, Child Welfare Services, Services for Crippled Children, Medical Care, Corrections, General Administration, Personnel, and other services are presented in a very readable way. The laws under which the department operates, the organization of the department and the administration thereof, and, finally, the services rendered to people under all those various programs are clearly described.

When the state welfare department was established, it was given general supervision over all state benevolent and correctional institutions. It was charged with the responsibility of setting up modern classification and welfare programs in state institutions, of operating a scientific parole system, of making periodic inspection of all state and local benevolent and correctional institutions, and of extending certain supervisory and advisory services to all institutions of the state.

Later, when the governor created in the Executive Department of the state the Division of Supervision of State Institutions to consolidate the management of all state institutions, he appointed the administrator of the State Department of Public Welfare to head this division. Thus the various institutional welfare programs and the managerial duties of industrial and farm programs, building, planning, accounting, sales, and employment were consolidated. What is involved in this supervision of institutions for the Mentally Ill, Feebleminded, Epileptic, Adult Offender, Juvenile Delinquent, Tuberculosis, Physically Handicapped, Adult Blind, and Veterans is described in the second part of this report.

MARIETTA STEVENSON

AMERICAN PUBLIC WELFARE ASSOCIATION

Penology Comes of Age in Indiana: The Eighteenth Annual Report of the Board of Trustees of the Indiana State Prison, January, 1941. Michigan City: Set Up and Printed by Hand in the Institution Printshop by the Inmates.

The title of this *Report* is explained not because an institution or theory has reached the age of twenty-one. It is rather that those responsible for the institution think that the organization and administration of the prison has taken on the aspects of adult life. "We have determined our goals, uncovered our lacks, prepared ourselves for the task of building and rebuilding inmates" (the warden's explanation, p. 39). One of the great difficulties in many fields

of welfare administration has been the lack of skilled and frank reporting. In this *Report* there is a genuine attempt to share with the reader the failures as well as the successes during the period discussed. For example, the number of so-called "escapes" is cited. Whereas only fifteen escaped from federal institutions with a population of over 16,000; twenty-six escaped from this institution with a population of less than 2,700 prisoners. The explanation given is that the federal prison administration has not only improved facilities "but personnel superior in terms of training, working conditions, selection and number."

The improvement in the plant of the institution is described as are the deficiencies. There is a new bakery, and greater variety in food and greater convenience in serving is the result. The development of an educational program, the difficulties of the employment problem, especially the deficiencies in the care for the insane convict, who, in Indiana, as in other jurisdictions seems to be a man forgotten by the legislature, are all set out.

The statistical data supplied in the various appendixes furnish information not only with reference to the cost and financial aspects of the administration but also with reference to social problems growing out of the situations of the various prisoners, their marital status, their parental obligations, their occupational experience.

All this information indicates the intelligence with which the administrative authorities are attempting to meet their responsibilities.

Reports of this kind should be extremely helpful in securing more adequate provision for the treatment of persons who have been taken into custody for the sake of the community, but to whom the custody and treatment should be likewise beneficial.

S. P. B.

Biennial Report, California State Department of Social Welfare, 1938–1940. Sacramento, 1940. Pp. 82.

This *Report* is a clear and usable summary of the work of the California department. The inclusion of historical background, procedures given in some detail, and a selective use of statistical tables make the data unusually informative and easy to read. This is the first report of the present director and it is very welcome.

The department supervises the county administration of the state-county programs for the care of the needy aged, blind, and children. A decentralized plan of administration permitting certification for eligibility by the county office has been in operation in the aid to the needy aged program during the past biennium. Experience has proved this to be so satisfactory that similar plans are being inaugurated in the other public assistance programs. The maximum per capita grant for the aged was increased to $40, effective January, 1940,

and eligibility qualifications have undergone considerable redefinition. The recipient may own real property with an assessed value not to exceed $3,000 and personal property value up to $500. Statutory provisions giving the state or county any right to the recipient's property were repealed in 1940. Responsible relatives may be proceeded against only if they have filed a state income tax return. The most urgent need in the program for the aged is to develop more adequate medical care. The maximum per capita grant for the blind remains a flat $50 per month. The 1939 legislature authorized the State Department of Social Welfare to provide for treatment or operations upon recommendation by the Advisory Committee of Ophthalmologists to prevent blindness or to restore vision of applicants for or recipients of aid who voluntarily apply in writing for such treatment or operation. Unfortunately, no appropriation was made to make this provision effective. Some 42,000 children receive aid under the state law for aid to needy children. The 1939 legislature empowered the Social Welfare Board to set minimum standards of adequate care binding upon the counties. In order to discharge its new responsibility the department developed a quantity budget and in November, 1939, budget schedules were distributed to the counties for development of policy. In April, 1940, the Board placed the application of the budget by the counties on an experimental basis, experience to be reviewed in April, 1941. In the same year the legislature expanded the definition of a half-orphan to include children of a father whose whereabouts had been unknown for three years and for whom a warrant on a "failure to provide" charge had been issued. The effect of these limitations is that the new category fails to provide assistance for children deprived of support because the father has left the home.

In addition to the public assistances the department supervises the child welfare program and has important duties in regard to adoption, adult and juvenile probation, and the licensing of boarding-homes and institutions for aged persons and children. It also investigates, examines, and reports on the operation of tax-supported medical services administered in the interest of the indigent sick.

The chief efforts of the department in approaching its organizational, procedural, and other administrative problems have been directed toward achieving as complete an integration as possible. The creation of a field service consolidated much of the work involving personal contact among the department, the counties, and other agencies. Certain steps now in process or recently completed include the preparation of a manual and the development of the Division of Public Assistance to integrate and co-ordinate the policies and programs of the public assistances. Further steps contemplate the grouping of all children's services under a child welfare division and a program for a complete analysis of county performance through co-operation between the fiscal field audit staff and the field service.

Merit system standards approved by the federal Social Security Board were accepted by the department in November, 1939, but local sentiment favored a larger measure of control than was implied in the standards by the Social Security Board. In addition to properly qualified personnel the department seeks the addition of a medical social worker on the state staff to be of particular service in the A.D.C. program. Qualified child welfare workers have been added to the staffs of a number of counties.

The *Report* shows clearly what has been accomplished during the recent biennium and the goals which the Department hopes to achieve. Important problems of policy are indicated, although some, still in process of solution, receive only limited discussion because it is thought they can be discussed more significantly after solutions have been reached.

CAROL K. GOLDSTEIN

Colorado State Department of Public Welfare Quarterly Bulletin and Annual Report, 1940. Denver, Colo., 1941. Pp. 53.

The report of Colorado's activity in 1940 in the public welfare field is comprehensive and interesting although it deals largely with statistical data. In addition to such divisions as Old Age Pensions, Aid to Dependent Children, Child Welfare Divisions, etc., there is a special section concerning the new Merit System, the Merit System Council, and its organization. Although Colorado has had for years a State Civil Service Commission and presumably all state positions have been filled from civil service lists, it has been politically dominated and ineffective.

Following the amendments of the Social Security Act requiring merit system appointments, Governor Carr appointed a three-member, unpaid Merit System Council, after interrogatories, submitted by the governor to the Colorado Supreme Court, had been answered. The supreme court held that employees of county departments of public welfare did not come within the jurisdiction of the State Civil Service Commission as they were not state employees—hence the creation of the special Merit System Council. At the time the *Report* was published, the Council had merely met and formulated certain policies and procedures.

In Table 3 (p. 3) is a statement of the state and federal funds allotted to counties for welfare purposes in 1940. There was an allotment to the counties for tuberculosis aid, but only thirty-two of the sixty-three counties received state funds for this purpose. One county (Gunnison) received sixty-two cents for the year. One wonders for what this sum was expended and was the need no greater because that county boasts of almost continuous sunshine? The fund of fifty-thousand dollars per year must be used for hospitalization of active cases of tuberculosis in need of assistance, approved by the state department which matches county funds for this purpose. According to the *Report*, since the inception of

this program, in July, 1937, 334 cases have been hospitalized at the expense of the state and counties—133 cases in 1940. The Division of Tuberculosis gave a brief report of its work, but this was largely statistical data. Since Colorado is a state which, for years, has been conscious of its tuberculosis problem, it would be of interest had the *Report* discussed some of the results of the program in terms of human values.

With regard to the money expended for Old Age Pensions and the number of beneficiaries, it should be explained that Colorado's Old Age Assistance Law creates two classes of pensioners. Class A consists of needy individuals, sixty-five years of age and over, whose awards, up to $40 a month, are matched by federal funds. Class B recipients are those between the ages of sixty and sixty-five who have lived in the state thirty-five years. No federal funds are received for this group. The *Report* states that "inasmuch as O.A.P. is awarded on the basis of the individual there may be more than one person in a household eligible." There were actually 5,915 households in which two or more individuals were awarded O.A.P.—most of these were husband and wife. Colorado spent, in 1940, $15,903,374 in "pensions" for the aged; 46,000 aged individuals received this amount, while 18,851 children under the A.D.C. program received $1,538,861. In December, 1940, the average O.A.P. award was $31.66, while the average grant per child under A.D.C. was $12.40.

Chart I (p. 7), which rather graphically presents the receipts and disbursements of the State Public Welfare fund, shows that 74.4 per cent of the total disbursements went for Old Age Pensions, while only 7.4 per cent was allotted for Aid to Dependent Children, and 9 per cent for General Relief. Administrative expense was only 4.3 per cent. Federal grants-in-aid accounted for 41.8 per cent of the receipts. The expenditures for General Relief in 1940 amounted to $1,955,194. The number of recipients under this fund was not given, but the average amount per case for November, 1940, was $13.34.

How do these three divisions—Old Age Pension, Aid to Dependent Children, and General Relief—compare with the same categories in other states? The *Report* took the month of November, 1940, for comparison. This showed that in Old Age Pensions, Colorado's aged received a more liberal amount than in any other state save one (California). For the United States as a whole, the average amount per recipient was $20.14, while in Colorado the average was $29.68. Under Aid to Dependent Children, in November, 1940, the average amount paid per family in Colorado was $30.25, while in the United States as a whole the average per family was $32.52. In this category, instead of ranking second as to the amount of grant (as in Old Age Pension), Colorado ranked twenty-third. Even Wyoming ($32.38), Arizona ($32.38), and Utah ($37.23) were ahead in the amounts paid out for care of children in their own homes. In General Relief, in November, 1940, Colorado ranked thirty-second out of forty-five states in the amount of relief issued. Only the southern states, New Mexico, and Nebraska gave less to their General Relief families.

It is only fair to state that one reason why Colorado's awards to her aged citizens are out of proportion to the care given her needy children and the unemployables is due to the fact that in 1937 Colorado amended her constitution by provisions for financing the $45 a month pension. The amendment states that the Old Age Pension Fund shall be financed from 85 per cent of all net revenue accrued from all excise taxes now or hereafter levied upon sales, storage use, consumption of any commodity or product, together with 85 per cent of all license fees, also 85 per cent of all net revenue received from taxes of any kind upon liquor, inheritance taxes, and incorporation fees. Also that no law providing revenue for the Old Age Pension Fund shall be repealed unless revenue is provided in an amount equal to that provided by the measure repealed. It also provided that beginning January 1, 1937, a minimum pension of $45 per month shall be paid to those eligible, less the amount of any net income. This amendment immediately decreased greatly the amount of funds available for the other categories of relief. There have been two unsuccessful attempts since 1937 to amend this article (XXIV) of the state constitution.

Other sections of special interest in this *Report* are an article by an interested lay person, discussing what a taxpayer expects from county officials in providing a program of public welfare, an account of the distribution of elk meat in a county, and a story of effective community organization.

The *Report* would gain in interest and publicity value if there had been some discussion of staff, with a story or two reviewing accomplishments of staff members. Also neglected was a discussion of the objectives of the department. Another item of interest which might have been included in a *Report* of this kind would have been a discussion of some of the problems submitted to the state department by the county welfare departments and their attempted solution.

The position of some of the statistical tables might be questioned, since they are given particular prominence covering pages 1–7. There is need for more of an analysis of these tables and an interpretation of some of the more interesting statistics. Also, it might be possible to set forth some of the statistics in a more readable and graphic manner for lay consumption.

EUNICE ROBINSON

UNIVERSITY OF CHICAGO

Annual Report, Alabama State Department of Public Welfare, for the Fiscal Year October 1, 1939—September 30, 1940. Montgomery, Ala., 1941. Pp. 84.

Looking back upon five years of constructive developments and complex problems, the *Fifth Annual Report of the Alabama Department of Public Welfare* attempts "to link the record of public welfare in Alabama with future develop-

ments." Progress has been gradual because in the background and current administration of the program is the belief that service to people should emanate from "the people's growing awareness of public welfare needs and their increasing acceptance of the varied activities of this public service." While there have been variations in detail and emphasis and the "pattern of service" has at times been modified, continuity has been maintained, keyed to these philosophies which were embodied in the original public welfare law. Looking ahead, the department contemplates no major changes, "but rather refinements and improvements in the existing program," with the focus upon the gaps and ways of bridging them.

Redefining and strengthening the methods of fiscal procedure and budget control has been a major accomplishment of the period of the *Report*. Chapter ii gives an excellent account of the financial operations, including the sources of funds, procedures for the compilation of budgets, standards of accounting, and the system of audits in the state and local departments.

The principle of personnel selection based on merit has been ingrained in the well-defined personnel policy of the Alabama department since its creation and was the direct outgrowth of a similar policy which had been effectively maintained by its predecessor, the State Child Welfare Department, since 1923. The 1939 amendments to the Social Security Act and the enactment in the same year of the State Merit Act, therefore, meant no change in philosophy but necessitated adaptation of existing procedures to comply with rules and regulations of the State Personnel Board and the Social Security Board. The State Board of Public Welfare is charged by the statute with responsibility for establishment of county as well as state personnel standards, and in recognition of this continuing authority and responsibility the state board has appointed a three-member advisory committee, to be known as the Merit System Council, to work with the state board and state department in formalizing the personnel standards now covering county department staff members.

The value of this *Report* of the activities and motivating philosophies of the department is enhanced by the descriptions throughout of the administrative processes and devices by which the administrative policies have been defined and applied, a wide range of activities have been co-ordinated, a planned program of public relations has been maintained, the standards of service have been implemented, and the initiation of new services and procedures have been made effective.

Although the statistical data indicate that average assistance grants are lower than national averages and in some cases lower than those of other southern states, attention is called to the important fact that these grants were consistent with the per capita income of Alabama, which likewise is low. Low grants in Alabama are not due to lack of recognition of need. This is borne

out both by the *Report* and the fact that average grants for temporary aid and aid to the handicapped, financed by state and local funds, have been comparable to, and in the case of temporary aid higher than, grants for some of the groups receiving public assistance under the Social Security Act.

No summary statement with regard to the accomplishments of the Bureau of Child Welfare would be adequate, and the writer, therefore, recommends that this section of the *Report* be read in toto by all public welfare administrators, child welfare workers, and citizens interested in the citizens of tomorrow.

M. B.

UNIVERSITY OF CHICAGO

Public Services for Children in Oregon: Eleventh Biennial Report of Child Welfare in Oregon, July, 1938–June 30, 1940. By the STATE PUBLIC WELFARE COMMISSION. Portland, Ore., 1941. Pp. 76.

Although this is the first report since the merging of the Child Welfare Commission with the State Public Welfare Commission in 1939, it is in reality the *Eleventh Biennial Report* for those services formerly supplied by the Child Welfare Commission. Statistical information is available, therefore, which is similar to that presented in previous years regarding institutional care of children, state subsidy to private institutions, and adoptions.

The *Report* has three major sections dealing with the services made available through the State Public Welfare Commission for child welfare. The first of these discusses the generally accepted children's programs of A.D.C., C.W.S., and Crippled Children, and, in addition, the general assistance surplus commodity and medical programs of the Commission. Also discussed here are the C.C.C. and N.Y.A. programs which, though not operated by the State Public Welfare Commission, are additional resources in the community for older children. The second section discusses foster-care and the services rendered by the state in these programs. The third section deals with the problems of adoption and the transfer of custody of children both legal and informal.

The material is presented with interpretative discussion of standards to be attained in child care as well as the steps that have been taken during the last biennium.

The emphasis has been put on the services rendered to the exclusion of any discussion of administration or personnel problems in rendering these services. A very brief discussion of the whole program of the Commission would have made clearer the part these children's services play in the larger public welfare programs.

DOROTHY CHAUSSE

UNIVERSITY OF CHICAGO

Cash Benefits under Voluntary Disability Insurance in the United States. (Social Security Board, Bureau of Research and Statistics, Bureau Report No. 6.) Washington, D.C., 1941. Pp. vi+117. $0.15.

This survey of voluntary insurance against sickness and disability, by Dr. Elizabeth Lewis Otey of the Bureau staff, deals with various forms of private voluntary insurance, providing for temporary and permanent disability.

Disability benefits of commercial insurance companies, including industrial insurance companies, are reviewed, and the subject of group insurance is covered in some detail. A section on co-operative insurance includes consideration of fraternal benefit societies, employee mutual sick-benefit association, and trade-union plans. There are several appendixes, including a Bibliography. By way of general conclusions, it is pointed out that there is

> no way of determining accurately the number of persons in the United States who are insured against disability through voluntary cash-benefit plans. It is safe to say that only a small fraction of the population is adequately protected. Some persons in better circumstances may hold accident and health policies against temporary disability and older life insurance policies with provision for income during permanent disability. For the great majority, even of those who hold some type of disability insurance, the protection is fragmentary and inadequate. They may have a limited accident policy, an accident and sickness policy, insurance against the rare contingency of dismemberment or blindness, or a waiver of life insurance premiums.

This volume provides a good brief account of the present situation in the United States. The inadequacies that result from leaving this important field to private enterprise are only too clear.

E. A.

Problems of Workmen's Compensation Administration. By MARSHALL DAWSON. (U. S. Bureau of Labor Statistics Bull. No. 672.) Washington, D.C., 1940. Pp. viii+227. $0.25.

The United States Bureau of Labor Statistics has added another excellent study to its list of comprehensive surveys of workmen's compensation. Unlike a previous survey which the Bureau made of this field in 1919–20, the present study, inaugurated in 1934, is general rather than special. It is further distinguished by the fact that it covers not only the forty-seven states, which in 1939 had workmen's compensation laws, but eight Canadian provinces and Puerto Rico. The purpose of the survey, as pointed out by Commissioner Lubin, is "to throw light on the conditions under which the best results from a given type of legal provision or administration can be obtained."

The second chapter of the volume relating to the experience of the various jurisdictions with different types of workmen's compensation laws during the

quarter of a century since the enactment of the first of such laws on this continent discusses the many social as well as legal and administrative problems involved in such legislation. It reveals the progress that has been made in providing the injured worker or his surviving family with some degree of security and also points out "the gap between the desired objectives and the actual performance." While present workmen's compensation laws are designed to provide the worker with prompt and adequate medical care as well as with money payments during his period of disability, there are still many workers excluded from the system, as chapters on "Persons and Employments Covered" and "Injuries and Diseases Covered" so clearly point out. The incompleteness of coverage is apparent from the Bureau's estimate (exact figures not being available) that in 1938 only 17,000,000 of the 42,500,000 gainfully employed workers were actually protected by workmen's compensation laws. This gap is due to the fact that some state laws are limited to hazardous occupations only, others have numerical exemptions, while many jurisdictions exempt from coverage certain specific employments—usually agriculture, domestic servants, casual workers, and, since the inauguration of public work relief programs, of relief workers. Coverage is further restricted by the legal definitions of accident or injury, the condition and nature under which the injury was sustained. Because of the narrow interpretation of the term "injury," occupational diseases were not covered by the original compensation laws, and even as late as July 1, 1939, eighteen of the states still lacked laws on this subject.

While the situation so far as benefit payments is concerned is considerably better than under common law or employer's liability acts, or even the first workmen's compensation acts, they are in many instances far below a subsistence level. Moreover, limitations upon weekly or total payments as well as the periods during which benefits are payable frequently mean that the injured worker or his dependents in case he is killed must ask for assistance, public or private, in order to save themselves from starvation. So far as rendering "after-care service" to the injured workers and their dependents after an award has been made, the findings of the survey show that "this is largely a neglected field in the development of compensation administration." While most of the states have taken advantage of the Federal Vocational Act of 1920 in restoring physically handicapped workmen to vocational usefulness, the survey found that all too often this opportunity was passed by or incompletely utilized. The chapters on "Cooperation with Rehabilitation Agencies" and "Allied Services of Workmen's Compensation Administration" indicate the need for a closer working relationship with other state agencies concerned with the betterment of working conditions.

The chapter on "Medical Aid" should be of interest to social workers since it discusses the points that need to be guarded in providing the injured worker with adequate medical care. The various ways of insuring against workmen's

compensation risks are touched on briefly, but, as is pointed out, further study of the relative advantages and disadvantages of the various types—especially of the exclusive and competitive state fund—needs to be made. Throughout the volume attention is called to the importance of having technical experts, who are assured permanence of tenure, as administrators of the law, for only through qualified personnel is practical improvement of administrative procedure possible. As the author points out:

> From the point of view of social need, the outstanding problem in the further development of the compensation system is how to broaden workmen's compensation coverage to include, as nearly as possible, all workers, and to compensate all types of industrial injuries. Second only to this is the need of setting up the administrations on a basis, as to support and personnel policy, that will make possible a high standard of efficiency in claims settlement and in the preventive and restorative services of a complete compensation system.

Social workers who want a concise, clear presentation of the various aspects of workmen's compensation, especially of administrative problems, will find this volume very instructive and useful. The principal features of workmen's compensation laws are included in the Appendix as is a selected bibliography of references most generally in use and usually available at local libraries.

M. Z.

UNIVERSITY OF CHICAGO

CONTRIBUTORS

WILLIAM HABER, professor of economics in the University of Michigan; formerly emergency relief director and deputy director of the Works Progress Administration in Michigan between 1934 and 1937; consultant to the Massachusetts Special Commission on Taxation and Public Expenditures; executive director, National Refugee Service; recently chairman of the Committee on Long-Range Work and Relief Policies, National Resources Planning Board, Washington, D.C.

J. J. JOSEPH, research assistant at the University of Michigan, was technical assistant to the director of the Michigan Unemployment Compensation Commission. He is the author of a monograph on *Partial Unemployment Benefits*.

A. DELAFIELD SMITH is an attorney in the Office of the General Counsel of the Federal Security Agency.

ETHEL J. HART was a lawyer as well as a distinguished graduate of the Social Service Administration (see this *Review*, December, 1940, pp. 758–59).

MARY E. MACDONALD is a University Fellow in the School of Social Service Administration of the University of Chicago.

GEORGE M. KEITH is director of the Division of Public Assistance, Wisconsin State Department of Public Welfare.

ARLIEN JOHNSON is dean of the Graduate School of Social Work, University of Southern California, and president of the American Association of Schools of Social Work.

JOHN CHARNOW is a research assistant with the Committee on Social Security, Social Science Research Council.

CHARLES ERNST is a field representative with the American Public Welfare Association.

MARY WYSOR KEEFER is medical social consultant in the Crippled Children's Division in the United States Children's Bureau.

ZDENKA BUBEN is the director of the Bureau of Medical Social Service, Los Angeles County Health Department.

LUCY P. CARNER is secretary of the Division of Education and Recreation of the Council of Social Agencies of Chicago.

FRANK Z. GLICK is director of the School of Social Work, University of Nebraska.

VICTOR S. YARROS, of Chicago, is a well-known journalist.

WILLIAM C. NEWTON is assistant professor, School of Social Work, University of Washington.

FLORENCE M. WARNER is chairman of the Social Science Department, Connecticut College.

LEWIS MERIAM has been a member of the staff of the Institute for Government Research, now a part of the Brookings Institution, since 1920. Social workers will remember him also as the first assistant chief of the United States Children's Bureau and for his valuable study of the administration of the Bureau of Indian Affairs.

MARIETTA STEVENSON is assistant director of the American Public Welfare Association and lecturer in public welfare in the School of Social Service Administration.

Other contributors are members of the faculty of the School of Social Service Administration or research assistants or fellows.